

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

1-4

Page 1	Page 3
<p>1 THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA</p> <p>3 - - -</p> <p>4 CARMEN RILEY, Administrator :</p> <p>5 of the Estate of TY'RIQUE :</p> <p>6 RILEY, et al., :</p> <p>7 Plaintiffs, :</p> <p>8 -vs.- :</p> <p>9 BRIAN CLARK, Warden of :</p> <p>10 Dauphin County Prison, :</p> <p>11 et al., :</p> <p>12 Defendants. : No. 4:20-CV-00325</p> <p>13 - - -</p> <p>14 Tuesday, April 25, 2023</p> <p>15 - - -</p> <p>16 Videoconferenced deposition of</p> <p>17 THOMAS MATTHEWS, taken pursuant to notice, was</p> <p>18 held virtually in the Commonwealth of</p> <p>19 Pennsylvania, commencing at 10:02 a.m., on the</p> <p>20 above date, before Jared Carey, a Professional</p> <p>21 Reporter and Notary Public in and for the</p> <p>22 Commonwealth of Pennsylvania.</p> <p>23 - - -</p> <p>24 ESQUIRE DEPOSITION SERVICES</p> <p>1835 Market Street</p> <p>Suite 555</p> <p>Philadelphia, Pennsylvania 19103</p> <p>(215) 988-9191</p>	<p>1 APPEARANCES: (Continued)</p> <p>2</p> <p>3 MACMAIN LEINHAUSER</p> <p>4 BY: MATTHEW S. POLAHA, ESQUIRE</p> <p>5 433 W. Market Street, Suite 200</p> <p>6 West Chester, Pennsylvania 19382</p> <p>7 484.463.1014</p> <p>8 Attorney for Defendants, The Susquehanna</p> <p>9 Defendants</p> <p>10 (Appearing via Zoom)</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 Carmen Riley</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2 MINCEY FITZPATRICK ROSS, LLC</p> <p>3 BY: KEVIN MINCEY, ESQUIRE</p> <p>4 RILEY H. ROSS, III, ESQUIRE</p> <p>5 1650 Market Street, 36th floor</p> <p>6 Philadelphia, Pennsylvania 19103</p> <p>7 215.550.1999</p> <p>8 Attorney for the Plaintiffs</p> <p>9 (Appearing via Zoom)</p> <p>10</p> <p>11 LAVERY LAW</p> <p>12 BY: FRANK J. LAVERY, JR., ESQUIRE</p> <p>13 225 Market Street, Suite 304</p> <p>14 PO Box 1245</p> <p>15 Harrisburg, Pennsylvania 17108</p> <p>16 717.233.6633</p> <p>17 Attorney for Defendants, Dauphin County,</p> <p>18 et al.</p> <p>19</p> <p>20 MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN</p> <p>21 BY: DONALD L. CARMELITE, ESQUIRE</p> <p>22 100 Corporate Center Drive</p> <p>23 Suite 201</p> <p>24 Camp Hill, Pennsylvania 17011</p> <p>717.651.3504</p> <p>Attorney for Defendants, Matthew Danner and</p> <p>Angela Swanson</p> <p>(Appearing via Zoom)</p> <p></p> <p>MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN</p> <p>BY: JOHN R. NINOSKY, ESQUIRE</p> <p>100 Corporate Center Drive</p> <p>Suite 201</p> <p>Camp Hill, Pennsylvania 17011</p> <p>717.651.3709</p> <p>Attorney for the Defendants, PrimeCare,</p> <p>et al.</p> <p></p> <p></p> <p></p> <p></p>	<p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 THOMAS MATTHEWS</p> <p>4 BY: MR. LAVERY 6</p> <p>5 MR. NINOSKY 164</p> <p>6 MR. POLAHA 165</p> <p>7 MR. CARMELITE 170</p> <p>8 MR. MINCEY 180</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11 MARKED DESCRIPTION PAGE</p> <p>12 TMK 1 Ganz Ske Facebook 31</p> <p>13 TMK 2 Call Summary Report 42</p> <p>14 TMK 3 Call synopsis 84</p> <p>15 TMK 4 Susquehanna Call reports 94</p> <p>16 TMK 5 Ambulance trip sheet 106</p> <p>17 TMK 6 Photos Holy Spirit Hosp. 109</p> <p>18 TMK 7 Toxicology records 114</p> <p>19 TMK 8 Holy Spirit Hosp. records 116</p> <p>20 TMK 9 Call Summary 6/28/19 160</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

5-8

<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 DEPOSITION SUPPORT INDEX</p> <p>3</p> <p>4 Direction to Witness Not to Answer</p> <p>5 Page Line Page Line Page Line</p> <p>6 None</p> <p>7</p> <p>8</p> <p>9 Request for Production of Documents</p> <p>10 Page Line Page Line Page Line</p> <p>11 None</p> <p>12</p> <p>13</p> <p>14 Stipulations</p> <p>15 Page Line Page Line Page Line</p> <p>16 None</p> <p>17</p> <p>18</p> <p>19 Question Marked</p> <p>20 Page Line Page Line Page Line</p> <p>21 None</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 7</p> <p>1 deposition of Carmen Riley?</p> <p>2 A. Yes.</p> <p>3 Q. Essentially it's going to be the</p> <p>4 same ground rules. It's a question-and-answer</p> <p>5 session. You understand that you have sworn to</p> <p>6 tell the truth just as if you were actually</p> <p>7 sitting in a courtroom. Do you understand that?</p> <p>8 A. Yes.</p> <p>9 Q. A couple ground rules that will</p> <p>10 make things go quicker hopefully for the court</p> <p>11 reporter because there is going to be both a</p> <p>12 stenographic and I believe a video record of the</p> <p>13 deposition.</p> <p>14 But in any event, answer all of</p> <p>15 the questions verbally if you would, sir. Do</p> <p>16 not shake your head, nod your head, say uh-huh,</p> <p>17 mm-mmh, that type of thing. Because the court</p> <p>18 reporter cannot interpret that. Give me a</p> <p>19 verbal answer: Yes, no, or whatever the</p> <p>20 appropriate verbal response is. Do you</p> <p>21 understand that?</p> <p>22 A. Yes.</p> <p>23 Q. Let me finish my question and I</p> <p>24 will let you finish your answer so we are not</p>
<p style="text-align: right;">Page 6</p> <p>1 - - -</p> <p>2 THOMAS MATTHEWS, having been duly</p> <p>3 sworn, was examined and testified as follows:</p> <p>4 - - -</p> <p>5 EXAMINATION</p> <p>6 - - -</p> <p>7 BY MR. LAVERY</p> <p>8 Q. Good morning. My name is Frank</p> <p>9 Lavery. I am a lawyer, if you can tell it or</p> <p>10 not but I am. In any event I represent the</p> <p>11 Dauphin County Prison defendants in a lawsuit in</p> <p>12 which you are a plaintiff along with Carmen</p> <p>13 Riley. And it deals with the death of Ty'Rique</p> <p>14 Riley back in 2019. I will ask you some</p> <p>15 questions concerning the case in what is called</p> <p>16 a deposition.</p> <p>17 Have you ever given a deposition</p> <p>18 before?</p> <p>19 A. No. Can you hear me?</p> <p>20 Q. I can hear you better now. If</p> <p>21 you can just keep your voice up. That is one of</p> <p>22 the instructions I will give you. Keep your</p> <p>23 voice up. That would be helpful.</p> <p>24 Were you present for the</p>	<p style="text-align: right;">Page 8</p> <p>1 talking over each other. Is that acceptable to</p> <p>2 you?</p> <p>3 A. Yes.</p> <p>4 Q. If you do not hear or understand</p> <p>5 me at any time just ask me to rephrase or re-ask</p> <p>6 the question for you. I will do that. I don't</p> <p>7 want you to answer anything that you do not</p> <p>8 fully hear or understand. Is that acceptable to</p> <p>9 you?</p> <p>10 A. Yes.</p> <p>11 Q. If you do answer the question I</p> <p>12 will assume that you heard the question, you</p> <p>13 understood the question, and you are trying to</p> <p>14 give me your best answer to the question. Is</p> <p>15 that fair for you?</p> <p>16 A. Yes.</p> <p>17 Q. If at any time you want to take a</p> <p>18 break just let me know. That is fine. We will</p> <p>19 be happy to do that. If you need to go back at</p> <p>20 any point and you realize you wanted to add</p> <p>21 something to a question or you wanted to correct</p> <p>22 an answer to a question, that is fine. Just let</p> <p>23 me know that.</p> <p>24 I would be happy to accommodate</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

9-12

<p style="text-align: right;">Page 9</p> <p>1 you. You can certainly go back and do that. Do</p> <p>2 you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Are you currently taking any type</p> <p>5 of medications, sir?</p> <p>6 A. I am supposed to be but I'm not.</p> <p>7 Q. Fair enough. What are you</p> <p>8 supposed to be taking?</p> <p>9 A. Tizanidine, which is a muscle</p> <p>10 relaxer for scoliosis. No. 2, metoprolol, which</p> <p>11 is a statin. No. 3, atorvastatin, cholesterol;</p> <p>12 No. 4, diazepam, which is the generic name which</p> <p>13 is called Valium for anxiety, three a day. The</p> <p>14 other ones were one a day; Tizanidine, three a</p> <p>15 day.</p> <p>16 Q. When was the last time you took</p> <p>17 the Valium three times per day?</p> <p>18 A. The end of January, beginning of</p> <p>19 February.</p> <p>20 Q. When was the last time you took</p> <p>21 any of the other medications?</p> <p>22 A. Probably about two weeks ago.</p> <p>23 Q. What did you take approximately</p> <p>24 two weeks ago?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Was that in person or was that by</p> <p>2 Zoom or video?</p> <p>3 A. Zoom.</p> <p>4 Q. Have you spoken to anybody else</p> <p>5 about your deposition?</p> <p>6 A. Carmen Riley.</p> <p>7 Q. When did you speak to Carmen</p> <p>8 Riley?</p> <p>9 A. Every night, every day.</p> <p>10 Q. And what have you talked to</p> <p>11 Carmen Riley about your deposition?</p> <p>12 A. How to approach this.</p> <p>13 Q. And what did you and she talk</p> <p>14 about in terms of how to approach this?</p> <p>15 A. What the topic can possibly be.</p> <p>16 Q. And did you also talk about what</p> <p>17 the possible answers might be to those topics?</p> <p>18 A. Some.</p> <p>19 Q. Which possible answers did you</p> <p>20 talk about with Carmen Riley?</p> <p>21 A. A lot.</p> <p>22 Q. A lot. Okay. You talked about a</p> <p>23 lot of potential questions and what a lot of the</p> <p>24 potential answers should be to those questions;</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Atorvastatin, metoprolol. And</p> <p>2 there was another drug called Prazosin.</p> <p>3 Q. And since approximately two weeks</p> <p>4 ago you have not taken any of those medications;</p> <p>5 is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Have you consumed any alcohol in</p> <p>8 the last 24 hours?</p> <p>9 A. No.</p> <p>10 Q. Have you ever had a medical</p> <p>11 marijuana card?</p> <p>12 A. No.</p> <p>13 Q. Is there any reason today why you</p> <p>14 would not be able to fully understand and answer</p> <p>15 questions about this lawsuit?</p> <p>16 A. No.</p> <p>17 Q. Did you speak to anybody to</p> <p>18 prepare for your deposition?</p> <p>19 A. My lawyer.</p> <p>20 Q. And I don't want you to tell me</p> <p>21 what you talked about with your law firm. But</p> <p>22 when did you meet with them about the</p> <p>23 deposition?</p> <p>24 A. Sunday 2:00 p.m.</p>	<p style="text-align: right;">Page 12</p> <p>1 is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Have you looked at any documents</p> <p>4 to get ready for the deposition?</p> <p>5 A. Repeat the question, please.</p> <p>6 Q. What documents did you look at,</p> <p>7 if any, to prepare for the deposition?</p> <p>8 A. I believe the police departments.</p> <p>9 Q. I am sorry. Can you say that</p> <p>10 again?</p> <p>11 A. I believe the police department.</p> <p>12 Q. Oh. Records from Susquehanna</p> <p>13 Police Department?</p> <p>14 A. Yes.</p> <p>15 Q. Any other records other than</p> <p>16 records from Susquehanna Police Department?</p> <p>17 A. No other. Can I rephrase that?</p> <p>18 Q. Sure.</p> <p>19 A. Holy Spirit Hospital.</p> <p>20 Q. Would those be records concerning</p> <p>21 you from Holy Spirit Hospital?</p> <p>22 A. Yes.</p> <p>23 Q. I sent over to your attorney nine</p> <p>24 exhibits. They are premarked TMK-1 through</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

13-16

<p style="text-align: right;">Page 13</p> <p>1 TMK-9. Have you looked through those documents?</p> <p>2 A. I couldn't see from the Zoom</p> <p>3 meeting. But I seen a white paper with</p> <p>4 highlighting on it. And it was read to me by</p> <p>5 Kevin Mincey, my attorney.</p> <p>6 Q. You don't have to tell me about</p> <p>7 that. That's fine.</p> <p>8 Have you reviewed any videos?</p> <p>9 A. No.</p> <p>10 Q. Have you looked at the transcript</p> <p>11 of Carmen Riley's deposition?</p> <p>12 A. No.</p> <p>13 Q. What is your date of birth, sir?</p> <p>14 A. 2/26/1961.</p> <p>15 Q. What is your educational</p> <p>16 background?</p> <p>17 A. Eleven and a half grade.</p> <p>18 Q. Where did you complete the eleven</p> <p>19 and a half years? At what school?</p> <p>20 A. John Harris, Harrisburg,</p> <p>21 Pennsylvania, High School.</p> <p>22 Q. Are you currently employed?</p> <p>23 A. No.</p> <p>24 Q. When was the last time that you</p>	<p style="text-align: right;">Page 15</p> <p>1 A. I personally was a over-the-road</p> <p>2 truck driver. It was a local company from out</p> <p>3 of that area that pulled for Anheuser Busch,</p> <p>4 Coca-Cola and Pepsi. That's what I did.</p> <p>5 Q. As part of your job did you have</p> <p>6 to actually handle the freight?</p> <p>7 A. Yes.</p> <p>8 Q. Have you had any employment since</p> <p>9 August of 2008?</p> <p>10 A. No.</p> <p>11 Q. Why is that?</p> <p>12 A. I retired.</p> <p>13 Q. And at some point did you start</p> <p>14 collecting disability?</p> <p>15 A. 2010.</p> <p>16 Q. Where did you start collecting</p> <p>17 disability from in 2010?</p> <p>18 A. Social Security Retirement</p> <p>19 Disability.</p> <p>20 Q. Do you currently collect Social</p> <p>21 Security Retirement Disability?</p> <p>22 A. Yes, I do.</p> <p>23 Q. How much do you collect per</p> <p>24 month?</p>
<p style="text-align: right;">Page 14</p> <p>1 were employed?</p> <p>2 A. August 23, 2008; 2:00 p.m.</p> <p>3 Q. You seem to know that pretty</p> <p>4 specifically. What happened on August 23, 2008</p> <p>5 at 2:00 p.m.? Do you understand my question?</p> <p>6 A. Repeat that, please.</p> <p>7 Q. Let me rephrase it. What</p> <p>8 happened in August 2008 at 2:00 p.m. on some day</p> <p>9 that month that caused you to stop working?</p> <p>10 A. I think it was a change in</p> <p>11 management for, one. Two, I was let go. They</p> <p>12 didn't give me a reason why I was let go.</p> <p>13 Q. Which company let you go?</p> <p>14 A. Saratoga Transport I believe it</p> <p>15 was.</p> <p>16 Q. Do you know if they are still in</p> <p>17 business?</p> <p>18 A. No. They are not as far as I</p> <p>19 know.</p> <p>20 Q. Back in 2008 where were they</p> <p>21 located?</p> <p>22 A. I don't know the correct address.</p> <p>23 I just know Saratoga Springs, New York.</p> <p>24 Q. What did you do for that company?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. \$1,650.</p> <p>2 Q. Do you have any other source of</p> <p>3 income other than Social Security Disability?</p> <p>4 A. No, I do not.</p> <p>5 Q. Where do you currently reside,</p> <p>6 sir?</p> <p>7 A. 1931 Franklin Avenue, Harrisburg,</p> <p>8 PA 17109.</p> <p>9 Q. And who do you reside with</p> <p>10 currently at that address?</p> <p>11 A. Carmen Riley, Leonard Riley,</p> <p>12 Thomas Matthews.</p> <p>13 Q. Anybody else?</p> <p>14 A. No. They are deceased now.</p> <p>15 Q. What's that?</p> <p>16 A. Her mother was living until</p> <p>17 November. She passed away.</p> <p>18 Q. Is that Carmen's mother?</p> <p>19 A. Yes.</p> <p>20 Q. Does Carmen live with you at that</p> <p>21 address?</p> <p>22 A. It is her house. I live with</p> <p>23 her.</p> <p>24 Q. And Leonard Riley is who? Is</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
17-20

<p style="text-align: right;">Page 17</p> <p>1 that a relation to Carmen Riley?</p> <p>2 A. Yes.</p> <p>3 Q. And what relationship do those</p> <p>4 two have?</p> <p>5 A. Older brother.</p> <p>6 Q. Thomas Matthews, what the</p> <p>7 relationship of Thomas Matthews to you, if any?</p> <p>8 A. You are speaking to him.</p> <p>9 Q. Okay. That's you; is that</p> <p>10 correct?</p> <p>11 A. Yes. Blows your mind, right?</p> <p>12 Q. I didn't know if there was</p> <p>13 another Thomas Matthews. I thought you were</p> <p>14 Thomas Matthews-Kemrer. But anyway --</p> <p>15 A. Yes. Same thing.</p> <p>16 Q. My bad. I apologize.</p> <p>17 How long have you lived at 1931</p> <p>18 Franklin Avenue?</p> <p>19 A. 26 years, I believe.</p> <p>20 Q. Have you ever lived at 2003</p> <p>21 Franklin Avenue?</p> <p>22 A. No.</p> <p>23 Q. Do you know who lived there back</p> <p>24 in June of 2019 at the 2003 address?</p>	<p style="text-align: right;">Page 19</p> <p>1 and get out of the heat at that time.</p> <p>2 Q. Who owned the cats?</p> <p>3 A. A previous tenant, yes.</p> <p>4 Q. Who would that have been?</p> <p>5 A. The name of I believe it was</p> <p>6 Larry Lynch.</p> <p>7 Q. Was he also the owner of the</p> <p>8 property?</p> <p>9 A. No, he was not.</p> <p>10 Q. Who was the owner of the</p> <p>11 property, if you know?</p> <p>12 A. David Smith.</p> <p>13 Q. To your knowledge did Mr. Smith</p> <p>14 ever live on the property?</p> <p>15 A. No, not at all.</p> <p>16 Q. How was it that it came to be</p> <p>17 that Royal and Precious were there and you</p> <p>18 became the groundskeeper for that property?</p> <p>19 A. The previous tenant up and left.</p> <p>20 We are good friends. He was a neighbor. And</p> <p>21 handed me the keys and said, You can stay there</p> <p>22 if you want. And I was in and out. He left the</p> <p>23 cats and just disappeared.</p> <p>24 Q. Who was that person?</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Two cats, Royal and Precious.</p> <p>2 Q. Two cats. Royal and Precious.</p> <p>3 Anybody else?</p> <p>4 A. No.</p> <p>5 Q. No human inhabitants?</p> <p>6 A. I stayed there occasionally. I</p> <p>7 was the groundskeeper of the property.</p> <p>8 Q. How occasionally did you stay</p> <p>9 there back in June 2019?</p> <p>10 A. I would say every other day</p> <p>11 maybe, yeah.</p> <p>12 Q. And every other day how much time</p> <p>13 would you spend at that place, 2003 Franklin</p> <p>14 Avenue?</p> <p>15 A. In the property on the property?</p> <p>16 Q. Sorry?</p> <p>17 A. In the property or on the</p> <p>18 property?</p> <p>19 Q. Either.</p> <p>20 A. Either?</p> <p>21 Q. Yep.</p> <p>22 A. On the property daily. In the</p> <p>23 property an hour a day, maybe in the evening for</p> <p>24 the cats or a place to go to think about things</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Larry Lynch.</p> <p>2 Q. Sorry. You said that.</p> <p>3 Did you ever pay rent to</p> <p>4 Mr. Smith?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you know if Mr. Lynch ever</p> <p>7 paid rent to Mr. Smith?</p> <p>8 MR. MINCEY: Objection, if you</p> <p>9 know.</p> <p>10 THE WITNESS: I don't know. I</p> <p>11 don't know his business.</p> <p>12 BY MR. LAVERY</p> <p>13 Q. That's the answer then.</p> <p>14 A. Okay. Good to you?</p> <p>15 Q. Yes.</p> <p>16 A. Okay.</p> <p>17 Q. Now, were you ever married to</p> <p>18 Carmen Riley?</p> <p>19 A. No.</p> <p>20 Q. How many children did you have?</p> <p>21 A. At the time I had two grown boys.</p> <p>22 Q. At that time we are talking about</p> <p>23 June of 2019, correct, sir?</p> <p>24 A. Yes.</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
21-24

<p style="text-align: right;">Page 21</p> <p>1 Q. Was one of those sons Ty'Rique?</p> <p>2 A. Ty'Rique Riley.</p> <p>3 Q. And who was the other son?</p> <p>4 A. Brandon Holloman.</p> <p>5 Q. Which of your sons was older?</p> <p>6 Ty'Rique or Brandon?</p> <p>7 A. Brandon.</p> <p>8 Q. When was Brandon born</p> <p>9 approximately?</p> <p>10 A. 1985.</p> <p>11 Q. How about Ty'Rique approximately?</p> <p>12 A. 1997.</p> <p>13 MR. MINCEY: Frank, it's</p> <p>14 Ty'Rique, not Ty'Rique.</p> <p>15 MR. LAVERY: Sorry, sir?</p> <p>16 MR. MINCEY: It's Ty'Rique, not</p> <p>17 Ty'Rique.</p> <p>18 MR. LAVERY: Ty'Rique. Okay.</p> <p>19 Sorry.</p> <p>20 BY MR. LAVERY</p> <p>21 Q. And Brandon, was he living with</p> <p>22 you in June of 2019 at 1931 Franklin?</p> <p>23 A. No.</p> <p>24 Q. Where was he living?</p>	<p style="text-align: right;">Page 23</p> <p>1 A. I got to spend more time with him</p> <p>2 in his life and be home more.</p> <p>3 Q. Did you still have the same close</p> <p>4 bond with him that you had before?</p> <p>5 A. Even closer. I could mentor him</p> <p>6 through life.</p> <p>7 Q. What are the kinds of things that</p> <p>8 you would do together with Ty'Rique after you</p> <p>9 retired?</p> <p>10 A. Fish, work on cars, rebuild lawn</p> <p>11 mowers of all types, weed wackers, lawn care. I</p> <p>12 was kind of helping him build up a landscaping</p> <p>13 business on his own so he can go work</p> <p>14 independently.</p> <p>15 Q. Was Ty'Rique doing anything</p> <p>16 employment-wise at the time of his death?</p> <p>17 A. No. He was supposed to have been</p> <p>18 incarcerated at the time of his death.</p> <p>19 Q. I get that. Before his arrest as</p> <p>20 of June -- the date he was arrested in June of</p> <p>21 2019 at the house, I think it might been</p> <p>22 June 18th or 19th, did he have a job somewhere?</p> <p>23 Was he employed?</p> <p>24 A. He worked for a temp service</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Kennesaw, Georgia, outside of</p> <p>2 Atlanta.</p> <p>3 Q. How long had he been down in that</p> <p>4 area?</p> <p>5 A. Six to ten years.</p> <p>6 Q. Now, with Ty'Rique -- am I</p> <p>7 pronouncing that right now? I just want to make</p> <p>8 sure I am not saying it the wrong way.</p> <p>9 MR. MINCEY: Yes.</p> <p>10 BY MR. LAVERY</p> <p>11 Q. With Ty'Rique, can you describe</p> <p>12 your relationship with Ty'Rique?</p> <p>13 A. A very strong bond. He was my</p> <p>14 copilot. When I worked and I drove a truck I</p> <p>15 took him with me -- both of them. Carmen and</p> <p>16 Ty'Rique occasionally. He would read the map</p> <p>17 for me, help me load and unload.</p> <p>18 He would unhook the trailer, hook</p> <p>19 the trailer. Move the tandem wheels, the</p> <p>20 trailer wheels, slide them back and forth. I</p> <p>21 taught him a lot in reference to that</p> <p>22 occupation.</p> <p>23 Q. And after you retired how would</p> <p>24 you describe your relationship with Ty'Rique?</p>	<p style="text-align: right;">Page 24</p> <p>1 possibly. Several at that time. He was not</p> <p>2 working. He was waiting on a transition to</p> <p>3 another facility.</p> <p>4 Q. What was the name of that service</p> <p>5 that he worked through at that time?</p> <p>6 A. Me myself have no clue. My wife,</p> <p>7 his mother, she knew. I didn't.</p> <p>8 Q. That's fine.</p> <p>9 When was the last time he had</p> <p>10 actually worked somewhere through that service</p> <p>11 as -- sorry, sir. Bad question.</p> <p>12 As of the time of his arrest</p> <p>13 where was the last placement that he had had</p> <p>14 through whatever service he was working through?</p> <p>15 A. Actually I transported him to and</p> <p>16 from work in Mechanicsburg which would have been</p> <p>17 Silver Springs Road, Chewy warehouse, dog and</p> <p>18 cat food.</p> <p>19 Q. When in time would that have been</p> <p>20 in relation to June 18, 2019?</p> <p>21 A. Beginning of April into May.</p> <p>22 5:00 a.m. to 3:00 or 4:00 p.m., five days a</p> <p>23 week.</p> <p>24 Q. And why did Ty'Rique leave that</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

25-28

<p style="text-align: right;">Page 25</p> <p>1 placement?</p> <p>2 MR. MINCEY: Objection to form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Trying to figure it</p> <p>5 out. I don't know offhand.</p> <p>6 BY MR. LAVERY</p> <p>7 Q. Before working over at Chewy in</p> <p>8 Mechanicsburg do you recall the placement that</p> <p>9 Ty'Rique had before through this service?</p> <p>10 A. I believe another building on the</p> <p>11 same property across from that building. He</p> <p>12 stayed in that area of that industrial park from</p> <p>13 his temp services, yes. All I know is that is</p> <p>14 where I dropped him off. Which building he went</p> <p>15 in it varied based upon his assignments that he</p> <p>16 got.</p> <p>17 Q. When was it he would have worked</p> <p>18 at the other building? You said that he worked</p> <p>19 at the Chewy building in April/May. When was it</p> <p>20 he worked at the other buildings?</p> <p>21 A. One day, another day at the other</p> <p>22 building. I come back and he is coming out</p> <p>23 another building to pick him up. So he bounced</p> <p>24 from three buildings side by side from each</p>	<p style="text-align: right;">Page 27</p> <p>1 teaching him how to be self-sufficient and be</p> <p>2 his own mechanic, how to soup up his car.</p> <p>3 Q. Now, you just said you were in</p> <p>4 pain. Do you want to take a break? If you need</p> <p>5 a break you just let me know. I probably should</p> <p>6 have said that at the beginning of the</p> <p>7 deposition. If you need a break --</p> <p>8 A. I came in with pain. I'm okay.</p> <p>9 Q. You are okay to continue?</p> <p>10 A. Yes. I'm dealing with this every</p> <p>11 day.</p> <p>12 Q. I got it. You can understand my</p> <p>13 questions and answers, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Good enough.</p> <p>16 Did Ty'Rique have a family</p> <p>17 physician or a primary care physician prior to</p> <p>18 his death?</p> <p>19 A. Yes, he did. I don't know his</p> <p>20 name, though. I just know it was at the</p> <p>21 Hummelstown area, Harrisburg. I took him there</p> <p>22 many times. The end of Derry Street in</p> <p>23 Harrisburg, Hummelstown. I took him there many</p> <p>24 times. I don't offhand know the name of the</p>
<p style="text-align: right;">Page 26</p> <p>1 other. I don't know what was in those buildings</p> <p>2 other than Chewy and maybe other contractors.</p> <p>3 Q. Maybe this will make the question</p> <p>4 clearer. When did he start working over in that</p> <p>5 complex of buildings through the service?</p> <p>6 A. It might have been December the</p> <p>7 following year.</p> <p>8 Q. Do you know of any other places</p> <p>9 that Ty'Rique worked before he worked in this</p> <p>10 complex of buildings beginning approximately</p> <p>11 December the year before his death?</p> <p>12 A. I don't know.</p> <p>13 Q. Did Ty'Rique perform any services</p> <p>14 around the house for you before his death</p> <p>15 obviously?</p> <p>16 A. Yes. He provided firewood. We</p> <p>17 burned firewood for heat. He helped cut the</p> <p>18 grass. He ran the weed wacker -- excuse me.</p> <p>19 I'm in pain. I ran the riding mower. He used</p> <p>20 the push mower. He does -- he did -- sorry --</p> <p>21 cut the firewood to keep us warm throughout the</p> <p>22 winter. Summertime he did the grass.</p> <p>23 Q. Anything else that he did?</p> <p>24 A. Worked on his own car. I was</p>	<p style="text-align: right;">Page 28</p> <p>1 place.</p> <p>2 Q. What would he go there to be seen</p> <p>3 for when you took him many times?</p> <p>4 A. I believe it would have been</p> <p>5 primary care.</p> <p>6 Q. Do you know if Ty'Rique was ever</p> <p>7 treated for any type of emotional issues or</p> <p>8 emotional problems prior to his death?</p> <p>9 A. No.</p> <p>10 Q. No, you don't know? Or, no, he</p> <p>11 was not?</p> <p>12 A. No. I am sorry. No.</p> <p>13 Q. Do you know if Ty'Rique was ever</p> <p>14 treated for any type of mental health issues</p> <p>15 prior to his death?</p> <p>16 A. No, he was not.</p> <p>17 Q. Do you know if Ty'Rique ever saw</p> <p>18 a counselor, a psychiatrist, or a psychologist</p> <p>19 before his death?</p> <p>20 A. No, he was not.</p> <p>21 Q. Did you believe that Ty'Rique had</p> <p>22 any type of mental health or emotional health</p> <p>23 issues prior to his death?</p> <p>24 A. Yes.</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

29-32

<p style="text-align: right;">Page 29</p> <p>1 Q. Can you describe that for me, 2 please?</p> <p>3 A. I believe June 14, 2019 he was 4 having migraines, not too talkative, just 5 confused, sweating, headaches and confused is 6 what I seen back then. It's been a long time.</p> <p>7 Q. I understand that, sir. You can 8 tell me what you remember.</p> <p>9 A. I'm trying to go back. Give me a 10 second.</p> <p>11 Q. That's fine.</p> <p>12 A. I am not going to say hysterical. 13 But in a sense he was trying to tell me 14 something that I couldn't understand. I would 15 say delusional but no. A confused look, a 16 hollow look the last few days from his birthday, 17 a disappointed look, a depressed look. Yeah, 18 that was it.</p> <p>19 Q. Had he ever manifested any of 20 these symptoms before approximately June 14, 21 2019?</p> <p>22 A. No.</p> <p>23 Q. Did you talk to Ty'Rique about 24 what was bothering him, what his situation was</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Not at that pace. 2 (Exhibit 1 was marked for 3 identification.)</p> <p>4 MR. LAVERY: If you can show 5 Mr. Matthews TMK-1. Kevin, you might be 6 the closest to him.</p> <p>7 MR. MINCEY: I'm pulling it up 8 right now.</p> <p>9 MR. LAVERY: Fair enough. 10 BY MR. LAVERY</p> <p>11 Q. This is a three-page document. 12 It's got markings on the bottom because it was 13 obtained from Dauphin County CID. The first 14 page is marked 1013. It's 1014, 1015 and 1016. 15 Do you see those?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recognize this document? 18 A. I do not recognize the document. 19 I recognize the individual holding cash in it. 20 And the picture is down below, yes.</p> <p>21 Q. Who is the individual holding 22 cash in the picture?</p> <p>23 A. That would have been a school 24 friend that I don't know his name. I took him</p>
<p style="text-align: right;">Page 30</p> <p>1 at that time?</p> <p>2 A. Yes, I did in a sense. He always 3 kept my phone. And I don't understand the young 4 generation with the emojis, if you know what 5 emojis are?</p> <p>6 Q. Yeah. I know what they are.</p> <p>7 A. Okay. I didn't at that time. I 8 am still learning. He constantly sat as if he 9 is playing a game on TV with his fingers and 10 talking to himself through the phone to 11 somebody. And emojiing and back and forth day 12 and night. It's like a war, like a PS3 game, 13 you know?</p> <p>14 Q. So he was exchanging emojis with 15 somebody over his phone as best you can recall 16 it? I am trying to understand what you are 17 saying because I am not big on those things 18 either.</p> <p>19 So that would be accurate, 20 correct? He was exchanging emojis on his phone 21 with somebody; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Did he ever do that before to the 24 best of your knowledge?</p>	<p style="text-align: right;">Page 32</p> <p>1 every day to summer school two years straight. 2 As a father I put my son in summer school. I 3 don't know this kid's name. I dropped him off 4 in the city at his grandmother's.</p> <p>5 Q. Do you know where this person 6 lived?</p> <p>7 A. North Street with his 8 grandmother. I just dropped him off there. 9 That's all I did. No communication with him.</p> <p>10 Q. And you see at least on this 11 there is a lot of emojis there? Do you see 12 that?</p> <p>13 A. Yes. That's what I was talking 14 about.</p> <p>15 Q. That's why I'm asking you about 16 it because I thought that might be the case.</p> <p>17 A. Yes. That's it there. That's 18 what was on my phone. But I'm not sure it came 19 from -- this individual was dead. Right here 20 this guy here was killed in a parking lot in the 21 city. Him and another kid sitting in a car by a 22 older man. That was his friend. He was hurt 23 over this friend, the loss of his friend.</p> <p>24 He only went to school with this</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

33-36

<p style="text-align: right;">Page 33</p> <p>1 guy. He didn't socialize with this guy. I 2 remember that clearly. I don't know his name. 3 Q. Do you know recall approximately 4 when this person would have passed away? 5 A. 2019. The following year that 6 summer, yeah. 7 Q. Did he die before Ty'Rique died? 8 A. Yes. Clearly. 9 Q. There seems to be a thing it says 10 at least here for the name Ganz, G-A-N-Z, Ske, 11 S-K-E. Do you see that? 12 A. Yes. Hold on. Wait a minute. 13 Yeah, yeah, yeah. 14 Q. Then underneath the photo on the 15 top where the individual is holding the cash 16 again it says Ganz Ske June 14. Do you see 17 that? 18 A. Yes. Looking right at it. 19 Q. Do you know if this person was 20 alive on June 14, 2019? 21 A. No. He was dead. 22 Q. He was dead. So that would have 23 had to have been June 14th the year before; is 24 that right?</p>	<p style="text-align: right;">Page 35</p> <p>1 know if that character in the middle is Ganz. 2 The other character I don't know. Same as the 3 middle one. My son is in the middle one. That 4 is the middle picture. The last picture my 5 son's face is clear right there. 6 Q. He is the person in the 7 foreground of the picture, correct? 8 A. Yes. 9 Q. On the -- 10 A. There are the emojis clear as 11 day. 12 Q. I can see them. Going back to 13 the first picture on the left, you said the 14 individual on the left in that first picture to 15 the left was Ty'Rique; is that correct? 16 A. Looks like him. 17 Q. The picture in the middle, was 18 that Ganz -- sorry. The individual in the 19 middle of the first picture on the left, is that 20 Ganz? 21 A. Yes. 22 Q. I think you said you don't know 23 who the third person was; is that correct? 24 A. Yes. Sorry. Never seen him</p>
<p style="text-align: right;">Page 34</p> <p>1 MR. MINCEY: Objection. 2 THE WITNESS: He was alive then. 3 BY MR. LAVERY 4 Q. Okay. 5 A. Before he was alive but he was 6 not with Ty'Rique. 7 Q. Now, you talked about the photos 8 that are below there kind of next to where the 9 emojis and the other letters are. Do you see 10 those three photos? 11 A. Yes. That's from their high 12 school. That's when they were in high school. 13 And they would take selfies in the cafeteria and 14 then in back of the classroom. That one there 15 would be two guys that's on the bus. He rode 16 the bus home. 17 Q. Is Ty'Rique in any of those 18 photos? 19 A. All three. Little picture he is 20 in the middle. 21 Q. Okay. 22 A. The first picture, that would be 23 to the left, the first picture with the green 24 background I believe he is on the left. I don't</p>	<p style="text-align: right;">Page 36</p> <p>1 before. 2 Q. Can you go to the second page 3 which is marked on the bottom CID 1014? 4 A. Purple drank? 5 Q. Yes. Do you see that? 6 A. Yes. I am getting educated here, 7 yeah. 8 Q. That's actually where I was 9 headed. As of June 2019 did you know what 10 purple drank was? 11 A. Not by that name. 12 Q. What did you know it by? 13 A. Lean and syrup. 14 Q. In fact, if you look at that page 15 under purple drank it says a/k/a and the first 16 word is "lean"? 17 A. Yeah. 18 Q. The third word is "syrup", 19 correct? 20 A. Yes. 21 Q. There seems to be two entries 22 again for Ganz Ske. One June 13th over on the 23 right and one for June 14th which again has some 24 words, some letters, and a whole lot of emojis.</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

37-40

<p style="text-align: right;">Page 37</p> <p>1 Would you agree?</p> <p>2 A. Oh, yeah.</p> <p>3 Q. It says under the June 13th entry</p> <p>4 it's either, Ohatt or Chatt, why I drank syrup.</p> <p>5 Do you see that?</p> <p>6 A. I believe it's a D-H-A-T-T.</p> <p>7 Dhatt why I drank syrup. And the emojis are --</p> <p>8 Q. Thank you.</p> <p>9 A. Where the emojis are is the same</p> <p>10 phrase I believe. June 14th. D-H-A-T-T? See</p> <p>11 where it says?</p> <p>12 Q. Yes, I do.</p> <p>13 A. Now we are on to something here.</p> <p>14 Q. All right. Did you ever know</p> <p>15 Ty'Rique to consume either lean, syrup or drank?</p> <p>16 A. No, I didn't. I complained about</p> <p>17 my cough syrup missing. Did one of his friends</p> <p>18 take it? He never answered me. It never came</p> <p>19 up still to this day I can't find it.</p> <p>20 Q. When in time was that that you</p> <p>21 noticed your cough syrup was missing?</p> <p>22 A. His birthday.</p> <p>23 Q. And when would that be again?</p> <p>24 A. June 14th.</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Yes. Most definitely.</p> <p>2 Q. Did he tell you anything about</p> <p>3 that?</p> <p>4 A. Other than he didn't know where</p> <p>5 it was.</p> <p>6 Q. I think you testified before that</p> <p>7 June 14th was approximately the date where</p> <p>8 Ty'Rique started having the issues with respect</p> <p>9 to -- I think I asked you if he had any</p> <p>10 emotional problems. And you mentioned about the</p> <p>11 emojis and he was having migraines and that type</p> <p>12 of thing. That was around June 14 as well; is</p> <p>13 that correct?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Did you consider whether or not</p> <p>16 any of those out of the ordinary symptoms that</p> <p>17 Ty'Rique was experiencing to potentially have</p> <p>18 been related to lean, syrup or purple drank?</p> <p>19 A. Confused. I was unaware of this</p> <p>20 diagnosis at that time. I was confused on how</p> <p>21 he was acting to me to make a judgment if he</p> <p>22 needed help or anything. It left me baffled.</p> <p>23 Q. Okay. My question was did you in</p> <p>24 your own mind at that time, if you remember, did</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. June 14th.</p> <p>2 A. Hold on. June 14, 2019 -- I have</p> <p>3 to calm down. I am sorry.</p> <p>4 Q. Take your time. If you want a</p> <p>5 break let me know. That's fine.</p> <p>6 A. No. He is on to something here.</p> <p>7 Q. June 14, 2019 would have been his</p> <p>8 birthday, correct?</p> <p>9 A. Correct. And you have to excuse</p> <p>10 me. I'm upset from the emojis that I couldn't</p> <p>11 get answers from him as to why you have my</p> <p>12 phone.</p> <p>13 Q. Do you know if any of these pages</p> <p>14 came from your phone?</p> <p>15 A. No, I don't.</p> <p>16 Q. When was it that you noticed your</p> <p>17 cough syrup was gone? Was it June 14, 2019?</p> <p>18 A. Yes.</p> <p>19 Q. That would have been four days</p> <p>20 before the incident where Ty'Rique was arrested,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you talk to Ty'Rique about</p> <p>24 your cough syrup being missing?</p>	<p style="text-align: right;">Page 40</p> <p>1 you in your own mind think that maybe what was</p> <p>2 causing this could have been Ty'Rique consuming</p> <p>3 lean, syrup or drank or whatever you want to</p> <p>4 call it?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 A. Sorry. I felt a little too</p> <p>8 anxious to answer the question.</p> <p>9 Q. That's fine.</p> <p>10 A. You are on point with something</p> <p>11 here.</p> <p>12 Q. If you can go to the next page of</p> <p>13 the exhibit marked at the bottom CID 1015. It's</p> <p>14 the third page. There is two pictures. One of</p> <p>15 shows a young man. Looks like he might be</p> <p>16 sitting in a trunk of a vehicle that's open. Do</p> <p>17 you see that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Can you identify that individual?</p> <p>20 A. No, I cannot. He has his head</p> <p>21 down.</p> <p>22 Q. Yes, he does. I agree with you.</p> <p>23 He does. Does it like look he has cash in his</p> <p>24 hands?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

41-44

Page 41

1 A. Yes.

2 Q. Do you know if Ty'Rique had a

3 Facebook account as of June 2019?

4 A. I don't know what he had.

5 Q. I take it you are not a Facebook

6 guy, right?

7 A. No. He had set my account up but

8 I didn't know how to even get on.

9 Q. You and me both, my friend.

10 A. Okay. I don't feel bad.

11 Q. I'm finished with that document

12 at this point.

13 A. Okay.

14 MR. MINCEY: Can we take a quick

15 break so I can go to the restroom?

16 MR. LAVERY: Sure. Let's take

17 ten minutes.

18 (Discussion held off the record.)

19 BY MR. LAVERY

20 Q. Mr. Matthews, you mentioned

21 before that you were taking I think it was

22 Valium for anxiety; is that correct?

23 A. Yes.

24 Q. Approximately for what period of

Page 42

1 time have you been taking Valium -- strike that.

2 When did you start taking Valium

3 I guess is the best way to start this.

4 A. 2017, I believe.

5 Q. And I think you said you took it

6 three times a day; is that right?

7 A. Yes.

8 Q. And are you doing that on a

9 continual basis up until now?

10 A. Until the end of January.

11 Q. Sorry. You are right. You said

12 that you stopped taking it the end of January

13 of 2023; is that correct?

14 A. Yes.

15 Q. Did the doctor either in

16 Hummelstown Road or on Derry Street, do you know

17 if that person ever prescribed any medication

18 for Ty'Rique?

19 A. No.

20 Q. To your knowledge was any

21 medication ever prescribed for Ty'Rique before

22 his arrest?

23 A. No.

24 (Exhibit 2 was marked for

Page 43

1 identification.)

2 BY MR. LAVERY

3 Q. Now, if you can show Mr. Matthews

4 TMK-2. Just so we are on the same page,

5 Mr. Matthews, what that exhibit is it's a

6 grouping of Call Summary Reports from

7 Susquehanna Township Police Department involving

8 your residence and your neighborhood. These are

9 a variety. They go from 2016 I think through

10 2018. Do you have that exhibit in front of you?

11 A. Yes.

12 Q. I will ask if you remember any of

13 these events. The first two pages of the

14 exhibit marked CID 567 and 568 pertain to a

15 report that took place on May 9, 2016. Do you

16 see that?

17 A. I see it. I have not read it

18 yet.

19 Q. That was going to be my next

20 question. Have you read any of these reports

21 before now? I am talking now about the entire

22 exhibit. All of these reports -- these are a

23 compilation of reports called Summary Reports.

24 They start in 2016. And they go through 2018.

Page 44

1 These are for different days. My

2 question to you is have you seen any of these

3 reports before now that make up this exhibit?

4 A. No, I have not.

5 Q. Take a look at the first two

6 pages. This appears to be a report of May 9,

7 2016. And it involves a report of criminal

8 mischief to your vehicle.

9 A. Okay.

10 Q. 567 and 568. The first two

11 pages.

12 A. Yes. I remember that one. Onto

13 the second page.

14 Q. Are you reading the second page

15 now, sir?

16 A. Yes. Give me a second, please.

17 Q. Surely.

18 A. Okay.

19 Q. Can you remember that particular

20 encounter? I think it was with a patrolman

21 Arroyo.

22 A. Yes, I do.

23 Q. Tell me what you remember about

24 that.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

45-48

Page 45

1 A. He laughed me off.
2 Q. He laughed you off?
3 A. Yes. When I filed a complaint in
4 regards to slashing of the tires.
5 Q. How did he laugh you off?
6 A. Like there was something wrong
7 with me.
8 Q. Had you ever had any encounters
9 with that particular patrolman before?
10 A. Quite a few.
11 Q. So you knew him and he knew you,
12 right?
13 A. Yes.
14 Q. And he laughed off your complaint
15 at that time. Can you go to the third page of
16 the exhibit. And that is on the bottom CID 572.
17 The second page concerning that incident is 573.
18 It appears to pertain to a report that took
19 place on July 17, 2016. Do you see that?
20 A. Yes.
21 Q. Do you want some time to read
22 that?
23 A. No.
24 Q. Do you remember making a report

Page 46

1 about people in the home across the street from
2 you?
3 A. Yes.
4 Q. What was reason for that report
5 at that point?
6 A. Because the people that lived
7 there had previously asked me from my porch to
8 watch their house. They were new to the
9 neighborhood from possibly the Poconos. They
10 moved in. And they were going to stay in
11 Florida. So I watched their house.
12 Q. If you go to the second page of
13 the exhibit it says -- and this again is the
14 officer's report. This would be officer Wagner.
15 Did you know Wagner?
16 A. No.
17 Q. He said you expressed a concern
18 with some people cruising the street and casing
19 the house earlier today. Is that accurate? Did
20 you tell him something along those lines?
21 A. No, I didn't.
22 Q. What did you tell him?
23 A. I said the landlord had went in
24 that house from the back, opened the front door,

Page 47

1 looked at me and closed it real fast while I was
2 sitting across the street on the porch.
3 Q. Now, he says that in his report
4 that he believed that you can have a disconnect
5 with reality at times. And he also indicates
6 that you suffer from PTSD and you advised the
7 officer that you suffer from PTSD. Did you tell
8 that to the officer?
9 A. Yes, I did.
10 Q. What did you say to the officer
11 about having PTSD?
12 A. I just said I have PTSD.
13 Q. And from what did you have PTSD
14 from? What caused that in your mind as you
15 understand it?
16 MR. MINCEY: Objection. You can
17 answer.
18 THE WITNESS: I don't know what
19 caused it.
20 BY MR. LAVERY
21 Q. When did you first experience it?
22 MR. MINCEY: Objection. If you
23 know.
24 THE WITNESS: I don't know.

Page 48

1 BY MR. LAVERY
2 Q. Did you continue to have it,
3 this is 2016, did you continue to have it in
4 June of 2019?
5 A. Yes.
6 Q. How serious did you in your mind
7 believe your PTSD was?
8 A. Repeat the question, please.
9 Q. In your mind how serious did you
10 believe your PTSD was?
11 A. I didn't believe it was serious.
12 Q. Do you get any medical treatment
13 for that?
14 A. At that time, no.
15 Q. How about after that?
16 A. No.
17 Q. How about until this day?
18 A. Yes.
19 Q. When did you first get treatment
20 for your PTSD?
21 A. Three years ago.
22 Q. Was that before or after
23 Ty'Rique's death?
24 A. After Ty'Rique's death.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
49-52

<p style="text-align: right;">Page 49</p> <p>1 Q. If you go to the next report 2 which is from September 25, 2016 from officer 3 Brian Tienter. It's CID 577. It's the first 4 page -- sorry. It's only one page. My bad. 5 Sorry, Mr. Matthews. My bad. 6 It's 9/25/16 for Mr. Tienter and 7 it's CID 577. Have you seen this before? 8 A. No. 9 Q. Can you read it now, please? 10 MR. ROSS: What page? 11 MR. LAVERY: 577. It's the fifth 12 page of the exhibit. 13 MR. POLAHA: Frank, if I may it's 14 officer Brian Tienter. 15 MR. LAVERY: Okay. Thank you. 16 THE WITNESS: Give me a second, 17 please. 18 BY MR. LAVERY 19 Q. Yes. Sure. Let me know when you 20 are ready. 21 A. Okay. 22 Q. Did you have any information at 23 that time, and we are talking about 24 September 2016, that the police received</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. It indicates here -- did you know 3 at that time in November 2016 who detective 4 Darryl Brown was? 5 A. No. 6 Q. It says at the bottom of the 7 first page that on November 23, 2016 chief 8 Martin received information of possible drug 9 activity being conducted at 1931 Franklin 10 Avenue. Do you see that? 11 A. Yes. 12 Q. Was there any drug activity going 13 on at the residence at that time? 14 A. No. I was not aware of it. 15 Q. Were you aware of any 16 surveillance by the police in that area around 17 that time? 18 A. Yes. 19 Q. Did you believe they were 20 watching your house? 21 A. Just mine? No. 22 Q. Now, it indicates in here they 23 did a criminal history check. And they found 24 in 2002 you had been arrested and pled guilty to</p>
<p style="text-align: right;">Page 50</p> <p>1 anonymous information about possible drug 2 violations at your residence on Franklin Avenue? 3 A. No. I'm unaware of that. 4 Q. It seems to indicate here that 5 one of the offices had arrested three juveniles 6 in the lot of the Pines for marijuana that were 7 allegedly going to see your son when they lived 8 at the Pines -- when I guess the other three 9 juveniles did. 10 Did you have any concern about 11 your son using any type of illicit drugs at that 12 time, your son Ty'Rique? 13 A. No. 14 Q. Next page is CID 1029. It's a 15 three-page summary report. It goes from page 16 1029 through 1030 to 1031. And it's 11/23/16. 17 And it appears that it is from a detective 18 Darryl Brown. Do you see that? 19 A. Yes. 20 Q. Take your time to read those 21 three pages. 22 A. Okay. 23 Q. Have you had a chance to read 24 that, Mr. Matthews?</p>	<p style="text-align: right;">Page 52</p> <p>1 attempt to possess a controlled substance. Do 2 you see that? 3 A. Yes. 4 Q. Is that accurate? 5 A. Yes. 6 Q. And what was the controlled 7 substance that you attempted to possess at that 8 time? 9 A. Crack cocaine. 10 Q. And did you spend any time in 11 Dauphin County Prison over that incident? 12 A. No, I didn't. 13 Q. Have you ever been in Dauphin 14 County Prison incarcerated? 15 A. One day. 16 Q. When was that, sir? 17 A. 1989 I believe. 18 Q. What were you there for in 1989? 19 A. Child support. 20 Q. Let's go to the next page then 21 that is at the bottom marked CID 1032. Date of 22 the report of the incident was August 23, 2017, 23 officer Andrew Brady. It seems there was some 24 sort of dispute between Michele Arrington and</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

53-56

Page 53

1 Ty'Rique who is described as her nephew. Do you
2 see that?
3 A. Yes, I do.
4 Q. Were you aware of that incident
5 at the time?
6 A. Yes, I am.
7 Q. Tell me what your awareness was
8 at that time of what had gone on in that
9 incident.
10 A. Ty'Rique woke me up to go there
11 to cut her grass. That's my sister and her
12 husband. I was sick that day. I got up and got
13 dressed, loaded the truck up and went over.
14 I pulled the riding mower off the
15 truck with Ty'Rique and started cutting the
16 grass. I started in the front of the house.
17 Ty'Rique was weed wacking the mailbox in the
18 front along the street and the driveway. My
19 sister came out and started scolding him telling
20 him something. But I had the lawnmower running
21 and I couldn't hear.
22 I stopped to the truck, shut the
23 mower off. And she, my sister, was attempting
24 to argue with Ty'Rique about cutting the grass.

Page 54

1 My sister's nature is she raised her hand to hit
2 my son. I spoke upon that and said, I don't
3 think you want to do that. She said, I will do
4 you one better. She reached into her back
5 pocket and pulled a cell phone out and dialed
6 911 for Lower Paxton Police Department.
7 I said, Come on, Ty. We got to
8 go. We loaded the truck and we left. I went
9 home and got something to eat and continued with
10 cutting grass at other properties. When I came
11 home Carmen Riley and Doris Riley mentioned that
12 Lower Paxton Police Department had just left the
13 house about two hours ago looking for
14 (indiscernible).
15 Q. Sorry. Looking for who, sir?
16 A. Me and Ty'Rique. They came to
17 the house looking for us in regards to Ty'Rique.
18 Ty'Rique did nothing wrong. He was just arguing
19 with his aunt verbally. I got in the truck. I
20 left and went home.
21 MR. MINCEY: Frank, one second.
22 A phone is ringing in here. I'm not sure
23 why.
24 MR. LAVERY: Okay.

Page 55

1 MR. MINCEY: We're good.
2 BY MR. LAVERY
3 Q. Mr. Matthews, do you know what
4 your sister was angry or upset at Ty'Rique
5 about? What was he doing that caused her to be
6 angry at least from what she was saying?
7 MR. MINCEY: Objection. You can
8 answer.
9 THE WITNESS: She was angry
10 because we were there early in the morning.
11 And it started raining. And we were still
12 cutting the grass. And she stated her
13 husband was sleeping and that we were going
14 to wake him up. I acknowledged that. I
15 said I will come back. I put the lawn
16 mower on the truck. She was arguing with
17 Ty'Rique -- my sister.
18 BY MR. LAVERY
19 Q. The report indicates that your
20 sister told the police that Ty'Rique began
21 cursing and screaming profanities at her. Is
22 that true?
23 A. She was first.
24 Q. That's fair. But was Ty'Rique

Page 56

1 doing the same thing, though, then after? Was
2 he cursing and screaming profanities at her?
3 A. Yes. We have been through this
4 several times before. He does not get respected
5 being he is my son from her. I don't get
6 respect from her as her brother. Never did
7 since a child.
8 Q. Okay. So I take it this would
9 not then be unusual that the two of them would
10 be I guess from want of a better phrase going at
11 it and cursing and screaming at each other?
12 A. Yep.
13 Q. If you can go then to the next
14 report, sir. And it's a three-page document.
15 And it's CID 574, CID 575 and CID 576 on the
16 bottom. The date is September 2, 2017. And it
17 indicates that it's by a officer Shawk --
18 S-H-A-W-K and I think that's an I. Lacey,
19 officer Lacey. Do you see that?
20 A. I am looking for the officer's
21 name.
22 Q. It's up at the top.
23 A. Yes.
24 Q. Did you know that officer?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

57-60

<p style="text-align: right;">Page 57</p> <p>1 A. No, I didn't.</p> <p>2 Q. It again looks like it was a</p> <p>3 report. It was 8/24/17. It was approved on</p> <p>4 9/2/17. And according to this report this</p> <p>5 officer was told to make contact with a Vicki</p> <p>6 Mosten in reference to potential drug activity</p> <p>7 taking place on Franklin Avenue. Do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know Vicki Mosten?</p> <p>11 A. Yes, we do. Yes, I do.</p> <p>12 Q. Does she still live in the</p> <p>13 neighborhood?</p> <p>14 A. Yes.</p> <p>15 Q. Where does she live actually?</p> <p>16 A. Three doors up on the right-hand</p> <p>17 side above us.</p> <p>18 Q. 2015 Franklin Avenue?</p> <p>19 A. I'm at 1931. So I don't know her</p> <p>20 address above me at the top of the block.</p> <p>21 Q. So she is at the top of the block</p> <p>22 above you, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Fair enough. And how long has</p>	<p style="text-align: right;">Page 59</p> <p>1 she is reporting here.</p> <p>2 She says that one other piece of</p> <p>3 information she believes substantiates her</p> <p>4 belief that there was drug activity. She stated</p> <p>5 she believed Thomas' son Ty'Rique was actually</p> <p>6 arrested two years ago for dealing drugs. Do</p> <p>7 you see that?</p> <p>8 A. I don't have to read this. Go</p> <p>9 ahead.</p> <p>10 Q. Has Ty'Rique ever been arrested</p> <p>11 as a juvenile or as an adult for dealing drugs?</p> <p>12 A. No.</p> <p>13 Q. Was Ty'Rique ever arrested for</p> <p>14 anything as a juvenile to the best of your</p> <p>15 knowledge?</p> <p>16 A. No.</p> <p>17 Q. If you go down to the next</p> <p>18 paragraph it indicates that Ms. Mosten believed</p> <p>19 that Thomas, that being you, and Leonard, I</p> <p>20 guess that is Leonard Riley, may be responsible</p> <p>21 for most of the thefts occurring in the area.</p> <p>22 And that she personally knows that you and</p> <p>23 Leonard stole firewood from other residences to</p> <p>24 heat their homes. Is that accurate?</p>
<p style="text-align: right;">Page 58</p> <p>1 she lived there?</p> <p>2 A. Couldn't answer that. She --</p> <p>3 wait a minute. She lived there in that</p> <p>4 community all of her life. But she moved out in</p> <p>5 the city and came back maybe I would say 2012.</p> <p>6 Q. Now, she indicates here that she</p> <p>7 thought there was drug activity taking place at</p> <p>8 your residence because multiple vehicles come to</p> <p>9 the residence at all hours day and night. And</p> <p>10 the visitors either go into the residence for</p> <p>11 short periods of time or Thomas Matthews comes</p> <p>12 out to the vehicle for short periods of time and</p> <p>13 returns to the residence; is that accurate?</p> <p>14 A. Yes, it is. I'm not allowed to</p> <p>15 have company?</p> <p>16 Q. I'm just asking questions, sir.</p> <p>17 This is just what she is saying and the</p> <p>18 conclusions she is drawing, not the ones that</p> <p>19 I'm drawings.</p> <p>20 MR. MINCEY: He will ask the</p> <p>21 questions.</p> <p>22 BY MR. LAVERY</p> <p>23 Q. I am not trying to give you a</p> <p>24 hard time, sir. I am just going through what</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No, it is not.</p> <p>2 Q. If you go to the next report,</p> <p>3 that's again from officer -- how do you</p> <p>4 pronounce that officer's name again?</p> <p>5 MR. POLAHA: Brian Tienter.</p> <p>6 BY MR. LAVERY</p> <p>7 Q. It's reported June 19, 2018. Do</p> <p>8 you remember having an encounter with a officer</p> <p>9 Tienter at that point?</p> <p>10 A. Which CID are you on?</p> <p>11 Q. I'm on CID 569. It's a</p> <p>12 one-pager. Let me know when you are finished,</p> <p>13 sir.</p> <p>14 A. Okay.</p> <p>15 Q. Do you remember encountering</p> <p>16 officer Tienter around that time?</p> <p>17 A. I remember this incident.</p> <p>18 Q. Tell me what you remember about</p> <p>19 this incident.</p> <p>20 A. I wasn't informed that he was an</p> <p>21 officer. He was just a suspicious person to me,</p> <p>22 which I still deal with to today.</p> <p>23 Q. When you encountered him was he</p> <p>24 dressed in uniform or not in uniform?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

61-64

<p style="text-align: right;">Page 61</p> <p>1 A. Plain clothes.</p> <p>2 Q. The reason I ask is it says in</p> <p>3 the report that you asked him or you wanted to</p> <p>4 know what he was doing on the street and tried</p> <p>5 to lean in the car to see a name tag; is that</p> <p>6 accurate?</p> <p>7 A. Exactly.</p> <p>8 Q. So was he in plain clothes with a</p> <p>9 name tag?</p> <p>10 A. At that time he was in a uniform.</p> <p>11 Q. Was he in an unmarked vehicle,</p> <p>12 though?</p> <p>13 A. He was in a patrol car. I</p> <p>14 remember this now.</p> <p>15 Q. It says here that you wanted to</p> <p>16 know what he was doing on the street and tried</p> <p>17 to lean in the car to see his name tag; is that</p> <p>18 accurate?</p> <p>19 A. Yes, it is accurate.</p> <p>20 Q. It indicates when he was pulling</p> <p>21 away you said, uh-uh, uh-uh. I got you. Is</p> <p>22 that accurate?</p> <p>23 A. It is not.</p> <p>24 Q. Did you say anything to this</p>	<p style="text-align: right;">Page 63</p> <p>1 A. At the top of my street, yes, I</p> <p>2 did.</p> <p>3 Q. Tell me what you remember about</p> <p>4 that contact.</p> <p>5 A. That day?</p> <p>6 Q. Yes.</p> <p>7 A. I was on my way to the doctors</p> <p>8 with Carmen. And I came out the house. And a</p> <p>9 police car sped away from the front of my house</p> <p>10 and went up the street. I went up the street</p> <p>11 shortly behind him. But he was not in front of</p> <p>12 me. He was not in sight.</p> <p>13 And when I got to the stop sign</p> <p>14 he was parked behind a tree hiding. I turned</p> <p>15 around and drove down to him and I asked him</p> <p>16 what was up. Was there something I needed to</p> <p>17 know that was going on in the neighborhood? And</p> <p>18 he stated to me, oh, no. Nothing is going on.</p> <p>19 I said okay. And I backed up, turned around and</p> <p>20 went on to proceed to my doctor.</p> <p>21 Q. His report indicates that you had</p> <p>22 used profanity to him at that time. Is that</p> <p>23 correct or not?</p> <p>24 A. No. There was no need to.</p>
<p style="text-align: right;">Page 62</p> <p>1 officer as he was pulling away?</p> <p>2 A. Yes, I did.</p> <p>3 Q. What did you say?</p> <p>4 A. Where is officer Wilson?</p> <p>5 Q. Why did you ask that?</p> <p>6 A. Because I know everybody.</p> <p>7 Q. You know officer Wilson?</p> <p>8 A. Wilson? Yes. I know the police</p> <p>9 force.</p> <p>10 Q. You know most of them or all of</p> <p>11 them or quite a few of them?</p> <p>12 A. In the past, yes.</p> <p>13 Q. The last of the group that I have</p> <p>14 here as part of this exhibit appears to be again</p> <p>15 with officer Tienter and a report on</p> <p>16 November 23, 2018. Do you see that CID 578 and</p> <p>17 579?</p> <p>18 A. Yes.</p> <p>19 Q. Have you had a chance to read</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. This is officer Tienter. Did you</p> <p>23 have any contact with officer Tienter on that</p> <p>24 date?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And were you in a Chevrolet</p> <p>2 truck?</p> <p>3 A. Green pick-up, Silverado.</p> <p>4 Q. The red vehicle, did you know who</p> <p>5 was driving the red vehicle?</p> <p>6 A. No.</p> <p>7 Q. If you go back to the first page</p> <p>8 it mentions a Shonnea Hart. Do you see that?</p> <p>9 MR. MINCEY: Do you mean the</p> <p>10 first page of this set of documents?</p> <p>11 MR. LAVERY: Yes. 578. The</p> <p>12 first page of this set of documents.</p> <p>13 BY MR. LAVERY</p> <p>14 Q. It's under Complainant and</p> <p>15 contact information. The second grouping talks</p> <p>16 about a Shonnea Hart. Do you see that? CID</p> <p>17 578.</p> <p>18 A. Yes.</p> <p>19 MR. MINCEY: The second to last</p> <p>20 page of the PDF.</p> <p>21 BY MR. LAVERY</p> <p>22 Q. Where it says, Shonnea Hart and</p> <p>23 the address 102 Sutherland Road, Lancaster, PA.</p> <p>24 Do you see that?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

65-68

<p style="text-align: right;">Page 65</p> <p>1 A. Yes.</p> <p>2 Q. Did you know her at the time?</p> <p>3 A. No, I didn't.</p> <p>4 Q. Did you know if she was a friend</p> <p>5 of your son at that time?</p> <p>6 A. No, I didn't.</p> <p>7 Q. Did you ever know your son to</p> <p>8 stay or live for a period of time down in</p> <p>9 Lancaster, PA with her?</p> <p>10 A. He never did.</p> <p>11 Q. Any other incidents or encounters</p> <p>12 that you recall with the Susquehanna Police</p> <p>13 Department other than these incidents from 2016</p> <p>14 up until the time of your son's arrest on</p> <p>15 June 18, 2019?</p> <p>16 A. Can you repeat that again?</p> <p>17 Q. Sorry. It's probably a bad</p> <p>18 question.</p> <p>19 What I'm asking is do you recall</p> <p>20 any encounters between you and the police</p> <p>21 department that stand out to you between</p> <p>22 again 2016 May and the date of Ty'Rique's arrest</p> <p>23 June 19th, 2019 other than these?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 67</p> <p>1 best of your knowledge approximately that you</p> <p>2 would have used crack before June 18th of 2019,</p> <p>3 the date of Ty'Rique's arrest?</p> <p>4 A. I don't remember.</p> <p>5 Q. The reason I ask -- and I will</p> <p>6 get to it in a while. There is a tox screen</p> <p>7 they did at the hospital when you were admitted.</p> <p>8 It was positive for cocaine metabolite. I am</p> <p>9 wondering if you had any idea when would have</p> <p>10 been the last time was that you would have used</p> <p>11 that before the date of Ty'Rique's arrest?</p> <p>12 A. Might have been the 12th.</p> <p>13 Q. Did Ty'Rique know that you smoked</p> <p>14 crack cocaine?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Did you ever smoke it in front of</p> <p>17 Ty'Rique?</p> <p>18 A. No.</p> <p>19 Q. Did Leonard Riley also smoke</p> <p>20 crack cocaine?</p> <p>21 A. I don't know what Leonard does.</p> <p>22 I don't know his life. I don't know.</p> <p>23 Q. Fair enough. Did you ever smoke</p> <p>24 crack cocaine with Leonard Riley?</p>
<p style="text-align: right;">Page 66</p> <p>1 MR. LAVERY: So I'm fished with</p> <p>2 that. I wouldn't mind a ten-minute break</p> <p>3 at this point.</p> <p>4 (Discussion held off the record.)</p> <p>5 BY MR. LAVERY</p> <p>6 Q. Mr. Matthews, were you using</p> <p>7 cocaine, either powder or crack, in June of</p> <p>8 2019?</p> <p>9 A. Yes.</p> <p>10 Q. And how often -- or which one was</p> <p>11 it? Or was it both?</p> <p>12 A. It was crack.</p> <p>13 Q. And how did you consume crack?</p> <p>14 Did you smoke it?</p> <p>15 A. Yes.</p> <p>16 Q. And how often would you smoke</p> <p>17 crack cocaine as of June of 2019?</p> <p>18 A. Sometimes once a month, sometimes</p> <p>19 twice a month.</p> <p>20 Q. Do you recall the last time</p> <p>21 you -- did you also use any powder cocaine or</p> <p>22 just crack?</p> <p>23 A. Crack.</p> <p>24 Q. When was the last time to the</p>	<p style="text-align: right;">Page 68</p> <p>1 A. No.</p> <p>2 Q. Did you ever smoke crack cocaine</p> <p>3 at 1931 Franklin Avenue?</p> <p>4 A. Yes.</p> <p>5 Q. Did you use any other illicit</p> <p>6 drugs as of June 2019 other than crack cocaine?</p> <p>7 A. No.</p> <p>8 Q. For how long had you used crack</p> <p>9 cocaine approximately? When did you start using</p> <p>10 it?</p> <p>11 A. 2000.</p> <p>12 Q. I know it's approximate. And</p> <p>13 that's fine. And did you use it continuously on</p> <p>14 some basis from 2000 through 2019?</p> <p>15 A. Never continuously.</p> <p>16 Q. There would be breaks and times</p> <p>17 you would use it; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. What is the longest period of</p> <p>20 time you went without using crack cocaine during</p> <p>21 that timeframe?</p> <p>22 A. Over a year.</p> <p>23 Q. Approximately when would that</p> <p>24 have been?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

69-72

Page 69

1 A. I would say 2017.

2 Q. Do you currently use crack

3 cocaine?

4 A. No, not currently.

5 Q. When was the last time that you

6 would have used crack cocaine?

7 A. I don't -- can't give you a date.

8 Q. Has it been this year in 2023?

9 A. It's been a while. I would say

10 February.

11 Q. February of 2023?

12 A. Yes.

13 Q. Let's talk now about the

14 incident, the date of the incident. As I

15 understand it, this incident did not occur at

16 1931 Franklin Avenue. It occurred at the other

17 residence where the cats were located at 2003

18 Franklin Avenue; is that right?

19 A. Yes.

20 Q. Had you been staying there for

21 any period of time?

22 A. No periods of time.

23 Q. You were sleeping there, though,

24 that night, correct?

Page 70

1 A. Yes. That particular night.

2 Q. And Carmen was there that night

3 too; is that right?

4 A. Yes.

5 Q. And Ty'Rique was there too as

6 well, correct?

7 A. Yes.

8 Q. Why were the three of you at 2003

9 Franklin Avenue as opposed to 1931?

10 A. No. 1, the cats. No. 2, at that

11 time the humidity was really bad. The heat in

12 house was really bad at her house. It was the

13 wee hours of the morning and the sun would be

14 coming up soon. And I would come back over and

15 deal with the cats. And we just decided to

16 let's all stay over there. Maybe it's cooler in

17 there.

18 Q. So do you recall around when it

19 would have been that Ty'Rique would have gotten

20 to 2003 that night?

21 A. 3:00 a.m. to 4:00 a.m.

22 Q. Do you know where he had been

23 before that?

24 A. Yes. With us in the yard at 1931

Page 71

1 Franklin Avenue.

2 Q. How long had you been out there

3 in the yard at 1931 Franklin Avenue with

4 Ty'Rique before going over to 2003 Franklin?

5 A. 10:00 p.m. to the early morning

6 sitting out in the yard, the backyard.

7 Q. Do you know where Ty'Rique was

8 before 10:00 p.m. that evening?

9 A. On the porch of the house in a

10 chair.

11 Q. How long had he been on the porch

12 of the house -- strike that.

13 How long had he been at 1931?

14 Had he been there the entire day? Had he been

15 elsewhere? Where had he been that day to the

16 best of your knowledge?

17 A. The entire day at that house.

18 Q. At 1931?

19 A. Yes.

20 Q. Then you go over to 2003. And I

21 know these are approximates around 3:00 or 4:00

22 in the morning; is that right?

23 A. Correct.

24 Q. Had you interacted with Ty'Rique

Page 72

1 that day at 1931?

2 A. Yes.

3 Q. How would you describe him?

4 A. Frustrated, depressed,

5 despondent.

6 Q. Was he still doing the emoji

7 thing at that point?

8 A. No.

9 Q. Was he talking or was he not

10 communicative at that point?

11 A. He was communicative. He talked.

12 Q. Do you remember what you and he

13 talked about?

14 A. Repairs to his car, his next job

15 assignment. That was what I know, yes.

16 Q. Did he appear better than he had

17 been back on June 14th when he was, as you said,

18 you first noticed him having the migraines and

19 doing the emojis and texts and that type thing?

20 Did you think he was better on the 18th than he

21 was on the 14th or about the same? How would

22 you describe it?

23 A. About the same.

24 Q. Were you concerned about him at

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

73-76

Page 73

1 that time?

2 A. Not too much. I thought it would

3 pass. I thought he had got a virus, hay fever,

4 or something.

5 Q. Did you consider getting Ty'Rique

6 any type of medical attention between again

7 approximately the 14th of June up through the

8 18th when this incident occurred?

9 A. No.

10 Q. And if you thought he had needed

11 any type of medical attention you would have

12 gotten it for him; is that right?

13 A. Most certainly.

14 Q. Now, was there a sledgehammer at

15 the 2003 residence?

16 A. Yes.

17 Q. Where was that located?

18 A. In the kitchen. As soon as you

19 go in to the left between the wall and the

20 refrigerator along the wall.

21 Q. And whose sledgehammer was that?

22 A. Mine.

23 Q. Mr. Matthews, did you answer

24 that?

Page 74

1 A. Yes.

2 Q. Whose sledgehammer was it?

3 A. Mine.

4 Q. That was yours. What was that

5 sledgehammer doing --

6 MR. ROSS: I think the mic is in

7 that. You are speaking into the phone. So

8 speak towards the television.

9 THE WITNESS: Okay. Will do.

10 BY MR. LAVERY

11 Q. Why was there a sledgehammer in

12 the kitchen there? Why was your sledgehammer

13 there in that kitchen?

14 A. Because I couldn't keep my tools

15 in the shed or outside or they would get stolen

16 by the neighbors or people that come through.

17 Q. Were there any other tools of

18 yours in that kitchen other than the

19 sledgehammer?

20 A. Oh, yes.

21 Q. Like give me some examples of

22 what else you would have kept in there.

23 A. Every tool to work on wood,

24 electrical and by hand. Everything except for

Page 75

1 the riding mower to cut grass. I made this a

2 apartment for a groundskeeper instead of a shed

3 outside. I can keep everything in the kitchen

4 and in the living room.

5 Q. I guess you couldn't keep a

6 riding mower in the kitchen, right?

7 A. I tried. I tried.

8 Q. All right. Fair enough.

9 Now, when you get over to 2003

10 where is everybody sleeping at that time as you

11 recall it?

12 A. You open the kitchen door in the

13 back, the storm door, a regular door. You walk

14 into the kitchen. It's a very small apartment.

15 It's a doorway, no door, living room. That's

16 the front of the house.

17 Then off to the right is a small

18 hallway, a bathroom to the right, two other

19 small bedrooms in the back. That's it. Then

20 the living room with a mattress on the floor and

21 a box spring and a couch to the left.

22 Q. Was Carmen with you at that

23 point?

24 A. Yes.

Page 76

1 Q. Was Carmen on the mattress too?

2 A. Yes.

3 Q. You and Carmen are on the

4 mattress sleeping; is that right?

5 A. Trying to sleep, yes.

6 Q. Where was Ty'Rique at that point?

7 A. To the left on the red leather

8 couch.

9 Q. In the living room?

10 A. Yes.

11 Q. Do you recall if you actually had

12 fallen asleep?

13 A. Semiconscious.

14 Q. When did you first become aware

15 of something unusual with Ty'Rique after you

16 were semiconscious?

17 A. Ty'Rique was talking and Carmen

18 was telling me, Tom, Tom, get up. And Ty was

19 standing at the kitchen doorway to the living

20 room hollering, Dad, dad, dad. Someone is

21 outside.

22 Q. Did he have the sledgehammer at

23 that point?

24 A. Yes.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

77-80

<p style="text-align: right;">Page 77</p> <p>1 Q. So he is in the doorway of the 2 kitchen; is that right? And this is Ty'Rique. 3 A. Yes. 4 Q. You are on the mattress, correct, 5 at that point? 6 A. Yes. 7 Q. Carmen is where? 8 A. Laying on the bed. 9 Q. So what happens next? 10 A. Ty'Rique is saying, Dad, dad, 11 dad. We got to go. Somebody is outside. We 12 got to go outside. Somebody is out there. 13 Somebody is walking around out there. I stated 14 if I get up off this bed it's not going to be 15 good. 16 Q. Why did you say that? 17 A. Because I was tired. We were 18 going to argue. 19 Q. What happens after that? 20 A. I attempted to get up. I got up. 21 And I grabbed the sledgehammer from him telling 22 him to put it down. And he kept saying no, no. 23 Q. Where is Ty'Rique at this point 24 with the sledgehammer?</p>	<p style="text-align: right;">Page 79</p> <p>1 A. Yes. 2 MR. MINCEY: Frank, if I can just 3 say -- Tom, when you are doing "like this" 4 the court reporter cannot write "like 5 this." 6 So you need to describe it. That 7 is why Mr. Lavery was describing what you 8 were doing. 9 THE WITNESS: Can I -- 10 MR. MINCEY: You are fine. You 11 are fine. I just wanted to let you know. 12 THE WITNESS: Okay. Sorry about 13 that, Jared. 14 BY MR. LAVERY 15 Q. You are fine. So you were trying 16 to take the sledgehammer from Ty'Rique; is that 17 correct? 18 A. Yes. 19 Q. Tell me what happens next then. 20 A. A struggle and we went in that 21 direction of push/pull struggle to a left/right 22 swing to try to get me to let go. 23 Q. Who made the swing? Was that 24 Ty'Rique?</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Standing in the kitchen. And his 2 back was turned towards the small hallway. 3 Q. So you are facing him; is that 4 correct? 5 A. Yes. 6 Q. So he has the sledgehammer. Did 7 he have it in both hands? 8 A. Yes. 9 Q. How was he holding it? 10 A. Like this (indicating). 11 Q. In front of him? 12 A. Yes. 13 Q. The wooden part of it in front of 14 him with two hands? 15 A. Yes. It's heavy. It's like 16 this. 17 Q. I get it. Would one of his hands 18 been on the metal part -- sorry -- the iron part 19 or whatever the sledging part of it is? 20 A. It's a long, wooden handle. 21 Q. So his one hand would have been 22 on one end of the handle. And his other hand 23 would have been on the other end of the handle 24 is what you're telling me?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yes. A push, yes. He pushed me 2 to try to let go. 3 Q. Did he swing the sledgehammer at 4 you at any time? 5 A. No, he didn't. 6 Q. Did he strike you with any part 7 of the sledgehammer at any point? What I mean 8 by that, so we are clear, either with the 9 business end of it or with the wooden part of 10 the sledgehammer did he at any time strike you 11 with any portion of that sledgehammer? 12 A. No, he didn't strike me. 13 Q. He didn't strike you in the back 14 at all? 15 A. No. 16 Q. He didn't strike you in the 17 shoulder? 18 A. No. 19 Q. He didn't strike you in the knee? 20 A. No. 21 Q. Carmen in her deposition had 22 indicated she said something to Ty'Rique during 23 all this to the effect of, What are you trying 24 to do? Get dad?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

81-84

Page 81

1 Do you remember her saying that?

2 A. No.

3 Q. So anyway you are trying to get

4 the sledgehammer away from Ty'Rique. What

5 happens at that point then?

6 A. It started with a push/pull

7 struggle between two of us facing each other.

8 Then it went -- that was not working. So he was

9 trying to shake my hands from the handle. We

10 both had the handle. So we did a switch back

11 and forth.

12 Then that went from front to back

13 facing each other. And then one switched and

14 one switch to the right. And I went with the

15 right, the motion with the right, which began my

16 motion to be pushed down towards the wall in the

17 other room.

18 Q. What room are you in at this

19 point?

20 A. In the hallway outside the

21 bathroom and the other bedrooms.

22 Q. That is the little hallway you

23 were describing before?

24 A. Yes.

Page 82

1 Q. And you and Ty'Rique got from the

2 kitchen to that little hallway at that time?

3 A. Yes. It's only one step. One

4 and a half steps. It's very small.

5 Q. And if you can do this: If you

6 can estimate how far it would have been from the

7 doorway of the kitchen to that area in the

8 little hallway where you end up standing with

9 Ty'Rique when you are going to the right?

10 A. 10 feet. It's very small.

11 Q. All right. So are you pulling to

12 the right? Or is Ty'Rique pulling you to the

13 right? How are you going to the right I guess

14 is what I am trying to figure out?

15 A. I am left-handed. And I pulled

16 to the left normally. He pulled to the right

17 stronger than me. And I went with that. And I

18 started to stumble.

19 Q. So he is pulling essentially you

20 to the right and that's when you start to

21 stumble?

22 A. Yes.

23 Q. So where did you stumble to?

24 A. To the nearest bedroom, no door,

Page 83

1 up against the wall.

2 Q. Did you go to the ground?

3 A. Yes. I hit the wall and slid to

4 the floor. My sweatpants during those two steps

5 had fell. I didn't have them tied. They slid

6 down to the floor which restricted my legs from

7 being separated to keep my balance. I have

8 equilibrium problems.

9 Q. At any point during this time do

10 you know if Carmen is on the phone with a 911

11 operator?

12 A. No.

13 Q. Did you ever ask Carmen to call

14 911?

15 A. Yes.

16 Q. At what point was it that you

17 would have asked Carmen to call 911?

18 A. When I slid down the wall to the

19 floor and hit my shoulder on the radiator

20 baseboard. The radiator had no cover. I hit my

21 arm. It left a abrasion on my shoulder.

22 Q. You are pointing to your right

23 shoulder; is that right? Or you had been

24 pointing to your right shoulder; is that right?

Page 84

1 A. Yes.

2 Q. So was it at that point that you

3 told her to call 911?

4 A. After I hit the floor, yes.

5 Q. Had you told her to call 911 at

6 any time before that?

7 A. No.

8 Q. Do you know if she on her own

9 called 911 at any time before that?

10 A. No.

11 Q. No, she didn't? Or, no, you

12 don't know?

13 A. No, she did not call until I

14 responded to her.

15 (Exhibit 3 was marked for

16 identification.)

17 BY MR. LAVERY

18 Q. Fair enough. I will show you

19 another exhibit at this point. We will go to

20 the next one, which is Exhibit 3. It's a 3-page

21 document. It's a subpoena, by the way, from

22 your attorneys to Susquehanna Township.

23 And as part of that subpoena

24 there was a telephone call synopsis 6/18/19.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

85-88

Page 85

1 It's also marked CID 120. Do you see that?

2 A. Not yet. I got it now.

3 Q. Can you just read through that?

4 A. Okay.

5 Q. I will represent to you,

6 Mr. Matthews, for purposes of these questions

7 that I have listened to the audio and looked at

8 the summary. And it appears to be accurate in

9 terms of the timing and the things that were

10 said. So I will ask you to accept that for

11 purposes of the questions I will ask you at this

12 point.

13 It says it was a call synopsis

14 6/18/19, 4:40.49 hours to 4:53.52 hours in the

15 morning. Does that appear accurate to you as to

16 when the phone call took place?

17 A. Yes, it does.

18 Q. It also indicates that Carmen

19 Riley called the Communications Center using

20 your cell phone; is that accurate?

21 A. Yes, it is.

22 Q. Now, it indicates, and again,

23 this is a summary of what is on the actual 911

24 dispatch recording. At .18 seconds Carmen tells

Page 86

1 Ty to put it down. Do you remember Carmen

2 telling Ty to put it down?

3 A. Yes, I do.

4 Q. And did Ty have the sledgehammer

5 at that time?

6 A. Yes, he did.

7 Q. The next entry then is 1 minute

8 and 30 seconds in. It says that Carmen tells

9 the dispatcher that Ty'Rique was arguing with

10 us. Is that accurate?

11 A. Yes, it is.

12 Q. Going down to the third entry it

13 says at 1 minute and 42 seconds in the call that

14 Carmen told the dispatcher he has a

15 sledgehammer; is that accurate?

16 A. Yes, it is.

17 Q. The fifth entry then is at 2

18 minutes and 47 seconds -- sorry. 2 minutes and

19 5 seconds Carmen said to the dispatcher, No, Ty.

20 We didn't start it. You started it. You picked

21 it up; is that accurate?

22 A. Yes, it is.

23 Q. So you heard all of that,

24 correct?

Page 87

1 A. Yes, I did laying on the floor.

2 Q. 2 minutes and 47 seconds into the

3 recording it indicates dispatcher asks Carmen

4 who started this and Carmen doesn't respond.

5 Did you hear that?

6 MR. MINCEY: Objection.

7 MR. LAVERY: Strike that.

8 BY MR. LAVERY

9 Q. Could you hear Carmen's side and

10 the dispatcher's side? Was it on speaker or was

11 it not on speaker, the telephone?

12 A. It was on speaker.

13 Q. It was on speaker?

14 A. Yes, it was.

15 Q. So you can hear what both the

16 dispatcher and Carmen were saying; is that

17 correct?

18 A. Yes. Clearly.

19 Q. Do you remember the dispatcher

20 asking Carmen what started this as it's

21 indicated here on the summary?

22 A. Yes.

23 Q. The next entry on the synopsis is

24 23 minutes and 42 seconds into the call. Carmen

Page 88

1 states to Ty, which I take to be Ty'Rique, No

2 decoy, no decoy.

3 Do you remember that being said

4 by Carmen to Ty'Rique?

5 A. No, that was not said.

6 Q. So that would not be accurate,

7 correct?

8 A. No. What is a decoy? No. I am

9 not going to -- no.

10 Q. You don't believe Carmen said

11 that to Ty'Rique at that point, No decoy, no

12 decoy. Correct?

13 A. No.

14 Q. The next entry would be 5 minutes

15 and 6 seconds into the call where the dispatcher

16 asks Carmen if he has a mental disorder. And

17 Carmen says yes. And then it says in quotes,

18 "he just snapped the last couple days."

19 Is that accurate?

20 A. Yes.

21 Q. You actually heard that?

22 A. Yes. Clearly.

23 Q. Then the next entry on the

24 synopsis is at 5 -- and you are on the ground

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

89-92

<p style="text-align: right;">Page 89</p> <p>1 during all of this, correct?</p> <p>2 A. I was laying on the ground, yes.</p> <p>3 Q. The next entry is 5 minutes and</p> <p>4 55 seconds into the recording. It indicates</p> <p>5 dispatcher asks, Do you feel in danger by him</p> <p>6 right now? And Carmen's reply is yes. Do you</p> <p>7 remember that?</p> <p>8 A. Yes.</p> <p>9 Q. Then the next entry is 5:55.</p> <p>10 Dispatcher asks, Do you feel endangered by him</p> <p>11 right now? Carmen's reply, Yeah.</p> <p>12 Do you remember that, hearing</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. The next entry is 6:35 into the</p> <p>16 recording. It says dispatcher asks Carmen her</p> <p>17 son's name twice. Carmen didn't respond.</p> <p>18 Do you remember the dispatcher</p> <p>19 asking Carmen her son's name?</p> <p>20 A. No, I don't.</p> <p>21 Q. 6:53 is the next entry in the</p> <p>22 recording. Carmen states, "No, there are no</p> <p>23 decoys, and you messed up." Both are in quotes.</p> <p>24 Do you remember Carmen saying</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. Because on the bottom</p> <p>2 there, and again I don't know who actually did</p> <p>3 this synopsis, but it says throughout the entire</p> <p>4 recording Carmen says "put it down" repeatedly</p> <p>5 and "there are no decoys" and "no decoys"</p> <p>6 repeatedly.</p> <p>7 Do you remember Carmen repeatedly</p> <p>8 telling Ty'Rique to put down the hammer during</p> <p>9 the call?</p> <p>10 A. Only, "Put it down, Ty. Put it</p> <p>11 down. Put it back."</p> <p>12 Q. And approximately how many times</p> <p>13 did Carmen tell Ty'Rique that?</p> <p>14 A. Two times.</p> <p>15 Q. And you don't ever remember her</p> <p>16 saying anything about there are no decoys at all</p> <p>17 to Ty'Rique; is that correct?</p> <p>18 A. Exactly. No decoys. No, she did</p> <p>19 not say that.</p> <p>20 Q. Fair enough. So you are on the</p> <p>21 ground. Do you ever lose consciousness while</p> <p>22 you are on the ground?</p> <p>23 A. No.</p> <p>24 Q. Do you remember the police</p>
<p style="text-align: right;">Page 90</p> <p>1 that to the dispatcher?</p> <p>2 A. No, I do not.</p> <p>3 Q. You don't remember that?</p> <p>4 A. No.</p> <p>5 Q. Were you conscious the whole time</p> <p>6 of that phone call?</p> <p>7 A. Yes, I was.</p> <p>8 Q. The next to last entry here is 8</p> <p>9 minutes and 12 seconds. And it says Carmen says</p> <p>10 to Ty, "Nobody is trying to do anything to you."</p> <p>11 And that is in quotes.</p> <p>12 Do you remember that being said</p> <p>13 by Carmen to Ty at that point?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Then again at 10:22 which is the</p> <p>16 last entry in the synopsis it says, Carmen</p> <p>17 states again, "There are no decoys."</p> <p>18 Do you remember -- strike that.</p> <p>19 Let me put this question to you. Do you recall</p> <p>20 at any time in the conversation with the</p> <p>21 dispatcher Carmen making a comment about there</p> <p>22 not being any decoys or there were no decoys?</p> <p>23 A. I remember she did not state that</p> <p>24 or make that comment.</p>	<p style="text-align: right;">Page 92</p> <p>1 getting to the scene?</p> <p>2 A. Yes, I do.</p> <p>3 Q. How long approximately, if you</p> <p>4 can remember, or approximately, and I know it's</p> <p>5 not exact, approximately how long was it after</p> <p>6 you fell to the ground -- I think you said you</p> <p>7 hit your shoulder on the radiator -- before the</p> <p>8 police got there?</p> <p>9 A. Within four minutes, five</p> <p>10 minutes.</p> <p>11 Q. Did you see Ty'Rique being taken</p> <p>12 into custody?</p> <p>13 A. No.</p> <p>14 Q. Were you on the ground the entire</p> <p>15 time the police -- strike that.</p> <p>16 On the floor the entire time the</p> <p>17 police were at the residence?</p> <p>18 A. Yes.</p> <p>19 Q. Was an ambulance dispatched to</p> <p>20 the scene too?</p> <p>21 A. Yes.</p> <p>22 Q. Did the ambulance get there after</p> <p>23 the police got there?</p> <p>24 A. Yes.</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

93-96

Page 93

1 Q. Approximately how long after the
2 police got there was it that the ambulance got
3 there?
4 A. Within ten minutes.
5 Q. You said before that you did ask
6 Carmen to call 911, correct?
7 A. Yes.
8 Q. Why at that point did you want
9 Carmen to call 911?
10 A. I have a pacemaker. I had heart
11 problems.
12 Q. And you also have scoliosis at
13 that point; is that correct?
14 A. Yes, I do.
15 Q. Did Ty'Rique know that?
16 A. Yes, he did.
17 Q. Were you concerned that Ty'Rique
18 at any point was going to strike you with that
19 hammer?
20 A. No, I was not.
21 Q. Why did you try to take it from
22 him?
23 A. Because I didn't want him going
24 outside with it.

Page 94

1 Q. What did you think he intended to
2 do with it?
3 MR. MINCEY: Objection.
4 BY MR. LAVERY
5 Q. If you know? If you had any
6 thought -- that's a fair objection.
7 Did you have any thought in your
8 mind as to what Ty'Rique intended to do with the
9 sledgehammer?
10 A. No.
11 Q. But you were not concerned with
12 him striking you or Carmen; is that right?
13 A. No.
14 Q. Did you speak to the police
15 officer after they got there, any of the police
16 officers after they got there?
17 A. Yes.
18 Q. And were you still on the floor
19 at that point?
20 A. Yes, I was.
21 (Exhibit 4 was marked for
22 identification.)
23 BY MR. LAVERY
24 Q. I want to show you -- I will ask

Page 95

1 that your counsel show what we marked as Exhibit
2 TMK-4. It's a ten-page document which is the
3 Susquehanna Police Department Call Report
4 concerning this particular incident. So when
5 they put that in front of you I will ask you a
6 question or two about it.
7 A. Okay.
8 Q. Have you seen this report before,
9 Mr. Matthews?
10 A. No.
11 Q. Do you recall which officer or
12 officers that you spoke to while you were on the
13 floor after they got there?
14 A. Officer Wilson.
15 Q. Was there any other officers
16 there with officer Wilson when you were speaking
17 to him?
18 A. Officer Demetrus (ph). There
19 were three officers. I don't know the other
20 ones.
21 Q. So you know officer Demetrus.
22 You know officer Wilson. And there was a third
23 one there whose name you do not recall; is that
24 right?

Page 96

1 A. Correct.
2 Q. Can you go to page 4 of 10. It
3 says at the bottom also Susquehanna 72.
4 A. I got it.
5 Q. Read both page 4 and page 5 of 10
6 and let me know when you are finished.
7 A. Okay.
8 Q. I will ask you start down around
9 the middle of page 4 where it talks about -- and
10 this would be officer Wilson speaking to you.
11 It says, While PFC Haines was taking care of T.
12 Riley I entered the house and found
13 Matthews-Kemrer lying prone in the first floor
14 southeast bedroom.
15 Is that the bedroom that you were
16 on the floor in?
17 A. Yes.
18 Q. It indicates in the report that
19 you were not conscious at that time but you were
20 breathing; is that accurate?
21 A. No, it is not.
22 Q. So when you first encountered
23 officer Wilson as best you can recall you were
24 conscious; is that correct?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

97-100

Page 97

1 A. Yes, I was.

2 Q. He indicates at this point that

3 you were naked but your sweatpants were found

4 near your feet; is that accurate?

5 A. Yes, it is.

6 Q. It goes on to indicate that

7 officer Wilson advised the dispatcher to have

8 EMS speed up their response for you. Do you

9 recall him doing that?

10 A. Yes, I do.

11 Q. Now, according to this report

12 Wilson says that he began talking to Carmen

13 about what had happened. And that while talking

14 to her you began to wake up and you started to

15 talk. I take it that you don't think that's

16 accurate; is that correct?

17 A. No, that's not.

18 Q. Next paragraph says that C. Riley

19 and Matthews-Kemrer advised they lived at 1931

20 Franklin Ave. with T. Riley. That is accurate?

21 A. Yes.

22 Q. They advised T. Riley was

23 temporarily staying at this location to watch a

24 unknown person's cats. Did you make that

Page 98

1 statement or did Carmen make that statement to

2 the police?

3 A. I think we both did.

4 Q. It says C. Riley and

5 Matthews-Kemrer advised they decided to spend

6 the night with T. Riley at this house. That is

7 accurate, correct?

8 A. Rephrase that -- re-do that

9 again.

10 Q. Sure. It says here C. Riley and

11 Matthews Kemrer advised they decided to spend

12 the night with T. Riley at this house?

13 A. Yes.

14 Q. I think that what you said

15 before. And that's why I said I think that's

16 accurate.

17 A. Yes.

18 Q. The next paragraph says, C. Riley

19 and Matthews-Kemrer advised they were asleep in

20 the bed, were awakened by T. Riley who was

21 standing over them holding a sledgehammer.

22 Did either you or Carmen tell the

23 police officer that?

24 A. Carmen did. Can I rephrase that?

Page 99

1 Q. Sure. You can rephrase or add

2 whatever you want.

3 A. During the course of this we both

4 did same story.

5 Q. Fair enough. But Carmen had

6 awakened before you did, correct?

7 A. Yes.

8 Q. Next paragraph says,

9 Matthews-Kemrer advised that T. Riley was

10 mumbling something nonsensical.

11 Did you say that to officer

12 Wilson?

13 A. Yes.

14 Q. It goes on to say,

15 Matthews-Kemrer stated that he knew T. Riley was

16 about to assault him with the sledgehammer.

17 Did you say that to the officer?

18 A. No, I didn't.

19 Q. And then the last sentence of

20 that paragraph says, Matthews-Kemrer was scared

21 he was about to be killed.

22 Did you say that to the officer?

23 A. I didn't.

24 Q. Going to the next paragraph says

Page 100

1 Matthews-Kemrer jumped up and began to struggle

2 with T. Riley in a attempt to get the

3 sledgehammer away from him.

4 That is accurate, correct?

5 A. Yes, it is.

6 Q. Did you tell him that at that

7 time?

8 A. Yes, I did.

9 Q. It goes, The struggle continued

10 into the bedroom where Matthews, Kermer was

11 found.

12 That is accurate as well,

13 correct?

14 A. Yes, it is.

15 Q. Did you tell him that at the time

16 as well?

17 A. Yes, I did.

18 Q. The next sentence says,

19 Matthews-Kemrer was struck several times with

20 the sledgehammer by T. Riley.

21 Is that accurate?

22 A. No, it is not.

23 Q. You never said that to the police

24 officer?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

101-104

Page 101

1 A. No.

2 Q. It says, During the physically

3 exhaustive struggle Matthews-Kemrer was knocked

4 to the ground where he lost consciousness.

5 Let's break that up. I think you

6 already testified that you were knocked to the

7 ground; is that right?

8 A. Yes, I did several times.

9 Q. Did you tell that to the officer

10 at the time?

11 A. Yes, I did.

12 Q. Did you tell the officer that you

13 lost consciousness at any point?

14 A. No, I didn't.

15 Q. Going to the next page of the

16 report. It indicates there that at some point

17 Ty'Rique walked to the kitchen and stood there

18 with the sledgehammer. And that is where he was

19 taken into custody.

20 Did Ty'Rique ever leave the

21 bedroom and go back to the kitchen to the best

22 of your knowledge?

23 A. Yes, he did.

24 Q. Was that before the police got

Page 102

1 there?

2 A. Yes, it was.

3 Q. Do you know approximately how

4 long it would have been before the police got

5 there that Ty'Rique did that, walked to the

6 kitchen?

7 A. Under five minutes.

8 Q. Again on page 5 of the report it

9 indicates that EMS arrived to assess you. That

10 did happen, correct?

11 A. Eventually, yes.

12 Q. It says, A paramedic advised that

13 due to your injuries you would need to be

14 transported to the nearest trauma center.

15 Do you remember the paramedics

16 saying something like that?

17 A. To me, yes.

18 Q. It goes on to say in that

19 paragraph that Matthews-Kemrer also started to

20 show signs of a possible cardiac event as well.

21 Is that accurate?

22 A. No, that's not.

23 Q. Were you having any symptoms that

24 you thought might have involved your heart at

Page 103

1 that time? Again I am asking you as a

2 layperson.

3 A. Yes, there were symptoms.

4 Q. What symptoms were you showing at

5 that point?

6 A. Due to the humidity, the heat,

7 and EMS slapping on fresh oxygen, the sudden

8 change in breathing occurred.

9 Q. Were you having trouble

10 breathing?

11 A. Of course.

12 Q. It says that patrolman D'Arcey

13 took custody of the sledgehammer and will enter

14 it into evidence. But it also says that

15 patrolman D'Arcey also went to the hospital to

16 photograph your injuries.

17 Do you remember a Susquehanna

18 police officer going to the hospital to

19 photograph the injuries that you had?

20 A. Yes, I do.

21 Q. Do you remember speaking to that

22 officer?

23 A. Yes, I do.

24 Q. Let's go on to page 6. If you

Page 104

1 can read that and I will end with that and then

2 we can take our break if that's all right.

3 But if you can look at page 6 so

4 I can finish with this exhibit. And then we

5 will take the break.

6 A. Okay.

7 Q. Have you read that yet, Mr.

8 Matthews?

9 A. Yes, I did.

10 Q. Great. If you go to page 6 third

11 paragraph, it's indicated by this patrolman,

12 D'Arcey, Michael D'Arcey, that while taking

13 photographs of you you told him that your son

14 had beat you with the sledgehammer.

15 Did you make a statement to that

16 effect?

17 A. No, I didn't.

18 Q. The officer's report also

19 indicated that you stated that Ty'Rique was

20 acting paranoid and that several people in the

21 neighborhood was coming to kill him. And he

22 acting very erratic and very strange.

23 Did you say that to the officer?

24 A. Yes, I did.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
105-108

Page 105

1 Q. Did you tell officer D'Arcey that
2 you and your wife had invited Ty'Rique to stay
3 over with you over night to keep an eye on him?
4 A. Yes, I did.
5 Q. Did you tell that officer that
6 around the time of the incident your wife woke
7 you up saying that Ty'Rique was standing over
8 the bed with a sledgehammer?
9 A. Yes, I did.
10 Q. It goes on to indicate that you
11 told this officer that you confronted Ty'Rique
12 as to what he was doing and that Ty'Rique
13 attacked you; is that accurate?
14 A. No, that's not.
15 Q. It indicates that you told the
16 officer that you and Ty'Rique fought for
17 approximately ten minutes. And during that time
18 you were struck repeatedly on the body with the
19 sledgehammer; is that accurate?
20 A. No, it is not.
21 Q. Were you complaining of pain that
22 you were having at that time to the officer?
23 A. Yes.
24 Q. It says here you were complaining

Page 106

1 of severe pain due to injuries; is that
2 accurate?
3 A. It is not accurate.
4 Q. What actually were you
5 complaining of at that point, if anything?
6 A. The pains that I have currently,
7 the pains that I've had for many years.
8 Q. Where are those on your body,
9 sir?
10 A. Lumbar. They call that sciatica.
11 Q. Yep. They sure do.
12 A. Right hip fracture, tailbone
13 fracture, bad hip, bad knee, right side only.
14 That is why I cannot sit still. And this is
15 what I am going through to today.
16 Q. Anything else?
17 A. No.
18 MR. LAVERY: I think I am
19 finished with that exhibit. Let's go off
20 the record.
21 (A recess was taken from 1:08
22 p.m. to 1:36 p.m.)
23 (Exhibit 5 was marked for
24 identification.)

Page 107

1 BY MR. LAVERY
2 Q. Mr. Matthews, do you recall being
3 transported by the ambulance to Holy Spirit
4 Hospital?
5 A. Yes.
6 Q. Were you conscious the whole
7 time?
8 A. Yes, I was.
9 Q. Have you reviewed the trip log
10 documents which we marked as TMK-5 which is also
11 CID 305 through I believe 308.
12 A. Hold on. It's coming to me now.
13 Q. Have you ever seen this document
14 before now?
15 A. No.
16 Q. Take a look at the document. And
17 particularly what I will ask you some questions
18 about is page 2 of 3. It's CID 307 on the
19 bottom, third page of the exhibit. Let me know
20 when you are ready.
21 A. You want me to read all this?
22 Q. You can if you want. The only
23 thing I want you to read, though, would be the
24 second page where there is the narrative

Page 108

1 section. It's in the middle of the page there.
2 That is what I'm going to ask you questions
3 about. But you can the read the whole thing if
4 you want.
5 A. Detective Brian Walburn.
6 Q. That's the cover page.
7 A. Go ahead with the questions.
8 Q. That is CID 305. If you look at
9 CID 306, 307 and 308 that appears to be the trip
10 sheet for your ambulance ride to Holy Spirit
11 Hospital.
12 What I want to ask you about is
13 the second page of the actual report, CID 307,
14 at the bottom where it says, Narrative.
15 A. Yes.
16 Q. Let me know when you are finished
17 reading that.
18 A. I read it.
19 Q. If you see the second paragraph
20 of the narrative it indicates that when the EMS,
21 the paramedics, got there you were on the floor
22 at that point; is that accurate?
23 A. Yes.
24 Q. It said at that point you were

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

109-112

Page 109

1 awake, you were alert and oriented to person,
2 place, time and event; is that accurate?
3 A. Yes.
4 Q. Then under History of Present
5 Illness it indicates, Patient states that his
6 son hit him with a sledgehammer on his neck,
7 back, hip and knee.
8 Did you tell that to any of the
9 members of the ambulance crew or paramedics that
10 were there?
11 A. No.
12 Q. Do you know why that would be in
13 there if you didn't say it?
14 A. No.
15 MR. MINCEY: Objection.
16 BY MR. LAVERY
17 Q. The report goes on to indicate
18 that he, States he may have lost consciousness
19 but was not hit in the head.
20 Did you make a statement to that
21 effect to the paramedics or the ambulance crew?
22 A. No.
23 (Exhibit 6 was marked for
24 identification.)

Page 110

1 BY MR. LAVERY
2 Q. The next exhibit will be the
3 photographs that were taken at the hospital.
4 That's TMK-6. The numbers on the bottom are CID
5 691 through 698. I will ask if your attorney
6 can give you that and if you can look at those
7 photographs.
8 A. Okay.
9 Q. Have you ever seen those
10 photographs before, Mr. Matthews?
11 A. Yes.
12 Q. When had you seen them prior to
13 this time?
14 A. Two weeks ago maybe.
15 Q. Who showed them to you?
16 A. My law firm.
17 Q. The first photograph in Exhibit
18 6, it's marked on bottom CID 691, appears to
19 show a individual in a collar laying on a
20 pillow. Can you tell if that's you?
21 A. This is me.
22 Q. If you go to the next page it's
23 692. It appears to be a photograph again of
24 your left side of your face as well as of your

Page 111

1 neck and shoulder area. Do you see that?
2 A. Yes, I do.
3 Q. Do you see some bruising in your
4 neck and shoulder area there?
5 A. That's not bruising. That's
6 incisions for a pacemaker.
7 Q. That is what I was going to ask.
8 Can you explain what that is?
9 A. Incisions for a inserted
10 pacemaker.
11 Q. And do you know when those
12 incisions had been made?
13 A. 2014.
14 Q. So your neck area would have
15 looked like that since 2014?
16 A. All the time.
17 Q. Exactly like that?
18 A. Right now as we speak.
19 Q. Fair enough. Can you go to the
20 next photograph which is 693. It appears to be
21 a photograph of your elbow and arm area. Do you
22 see that?
23 A. Yes, I do.
24 Q. Do you see any red marks,

Page 112

1 abrasions or bruising there in that photograph?
2 A. Yes, I do.
3 Q. That is located in your elbow and
4 arm area; is that correct?
5 A. Yes, it is.
6 Q. What caused that?
7 A. Carpet burns.
8 Q. Was that caused by the incident
9 with Ty'Rique?
10 A. Yes, it is.
11 Q. Now, the next photograph is the
12 next page is CID 694 which appears to show your
13 knee. Do you see that?
14 A. Yes. Right knee.
15 Q. And it appears again to show some
16 red marks, bruising, abrasions, that type of
17 thing. Do you see that?
18 A. Yes, I do.
19 Q. Did that occur in the incident
20 with Ty'Rique?
21 A. From the carpet, yes, it did.
22 Q. 695 is supposed to be another
23 picture of the knee; is that correct?
24 A. Yes. That is the same knee.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

113-116

Page 113

1 Q. That looks to be your right knee
2 as well, correct?
3 A. Yes.
4 Q. And 696, do you see that?
5 A. Yes. Right shoulder.
6 Q. And there somewhat appears to be
7 red marks and abrasions there, correct?
8 A. Yes. Those I talked about.
9 Q. Again, for the record, did you
10 incur those in the incident with Ty'Rique?
11 A. Yes, I did.
12 Q. How did you incur that injury
13 again?
14 A. From the baseboard radiator
15 without a cover on it.
16 Q. Then the next page, which is CID
17 697, the photograph on there again appears to
18 show the marks or injuries to your shoulder
19 area; is that correct?
20 A. That's correct.
21 Q. The last photograph is 698 and
22 that appears to show your upper torso and your
23 face; is that correct? Well, part of your upper
24 torso anyway from like the shoulders on up?

Page 114

1 A. Yes.
2 Q. And that shows the area also that
3 you say is the area for the insertion of the
4 pacemaker; is that correct?
5 A. Yes.
6 (Exhibit 7 was marked for
7 identification.)
8 BY MR. LAVERY
9 Q. The next exhibit is Exhibit 7
10 from the hospital records. It's the tox screen
11 records. And it's pages 49 through 56 of the
12 Holy Spirit Hospital records. Do you have that?
13 A. Yes. Can I look at it?
14 Q. Yes, sure. Take your time. It
15 indicates that the tox screen for urine was
16 positive for benzodiazepines. It says positive.
17 You were taking the Valium at that point; is
18 that right?
19 A. Yes, I was.
20 Q. Was that prescribed for you?
21 A. Yes, it is.
22 Q. Who was your doctor who
23 prescribed that for you?
24 A. Internist Group, Lemoyne, PA.

Page 115

1 Dr. Dominic Mirarchi.
2 Q. And then it also showed positive
3 for the cocaine metabolite as well, correct?
4 A. Yes. I see that there.
5 Q. And your testimony was that you
6 had not smoked crack since February; is that
7 right?
8 A. The 12th of that month.
9 Q. The 12th of February?
10 A. Yes.
11 MR. MINCEY: Objection.
12 MR. LAVERY: What was wrong with
13 it? I will fix the question.
14 MR. MINCEY: I think you might be
15 conflating when the last time he said he
16 took crack cocaine this year versus when he
17 took it in June of 2019.
18 MR. LAVERY: You may be right.
19 Thank you. That's a good objection then.
20 MR. MINCEY: That's two of them.
21 MR. LAVERY: Every now and again,
22 right?
23 BY MR. LAVERY
24 Q. So your attorney may be right.

Page 116

1 When was the last the time you would have smoked
2 crack before the incident with Ty'Rique on
3 June 18th?
4 A. The 12th.
5 (Exhibit 8 was marked for
6 identification.)
7 BY MR. LAVERY
8 Q. Fair enough.
9 If you would look at Exhibit 8
10 which appears to be the history and physical
11 exam and then I think the discharge
12 documentation as well from Holy Spirit. Just
13 for the record it is pages 134 through 142 from
14 the hospital records.
15 I will ask your attorneys if they
16 put that in front of you. I will not ask you
17 about all of it. But you can read through it if
18 you like. It's up to you. Take a look through
19 the exhibit and let me know when you are ready.
20 A. Okay.
21 Q. On the first page which is page
22 134 of the hospital records it's under History
23 and Physical Examination. And it says HPI/CC,
24 which is like history of present injury.

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

117-120

<p style="text-align: right;">Page 117</p> <p>1 It indicates here that you stated</p> <p>2 to somebody at the hospital that you were woken</p> <p>3 up in the middle of the night by your son. He</p> <p>4 was hit in the back and in the back of the neck</p> <p>5 with the sledgehammer several times.</p> <p>6 Did you tell anybody that at the</p> <p>7 hospital?</p> <p>8 A. No.</p> <p>9 Q. It indicates that you stated</p> <p>10 there was no loss of consciousness, which I</p> <p>11 think you testified to before. Did you say that</p> <p>12 at the hospital?</p> <p>13 A. I don't really know.</p> <p>14 Q. It also says there was no head</p> <p>15 trauma. Is that something that you would have</p> <p>16 said at the hospital?</p> <p>17 A. No.</p> <p>18 Q. You said you were having neck and</p> <p>19 lower back pain. Is that accurate? Did you say</p> <p>20 that at the hospital?</p> <p>21 A. No.</p> <p>22 Q. If you go to the next to last</p> <p>23 page of the exhibit, which is 141 on the bottom.</p> <p>24 It talks about a history of physical exam which</p>	<p style="text-align: right;">Page 119</p> <p>1 loss of consciousness, on ROS -- no chest pain,</p> <p>2 no shortness of breath.</p> <p>3 Did you tell Dr. Wertz that you</p> <p>4 were struck with a hammer by your son on your</p> <p>5 back?</p> <p>6 A. No, I didn't.</p> <p>7 Q. Do you remember being discharged</p> <p>8 from Holy Spirit emergency room?</p> <p>9 A. Do I remember?</p> <p>10 Q. Yes. Do you remember that?</p> <p>11 A. Clearly.</p> <p>12 Q. Them sending you home?</p> <p>13 A. Clearly.</p> <p>14 Q. And where did you go after Holy</p> <p>15 Spirit hospital when they let you go?</p> <p>16 A. 1931 Franklin Avenue.</p> <p>17 Q. Who took you home? Was that</p> <p>18 Carmen?</p> <p>19 A. Uber.</p> <p>20 Q. So you Ubered back to 1931 then,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Were you in any pain at that</p> <p>24 point?</p>
<p style="text-align: right;">Page 118</p> <p>1 was actually done by the doctor, a fellow by the</p> <p>2 name of Jeffrey Wertz, DO. Do you see that at</p> <p>3 the top of the page? He did a history and</p> <p>4 physical exam of you?</p> <p>5 A. History and physical discharge</p> <p>6 records.</p> <p>7 Q. Yes.</p> <p>8 A. Got it.</p> <p>9 Q. Next to last page of that exhibit</p> <p>10 it says on the bottom of page 141.</p> <p>11 A. Okay.</p> <p>12 Q. It's at the top of the page.</p> <p>13 A. Okay.</p> <p>14 Q. Again this appears to be a</p> <p>15 History and Physical Examination report from a</p> <p>16 Dr. Jeffrey Wertz. It's dated 6/18/19 at</p> <p>17 6:32 a.m. at Geisinger Holy Spirit. Do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. It states in there that you</p> <p>21 told -- that Dr. Wertz performed a History and</p> <p>22 Physical Examination of you. It says including</p> <p>23 specifically on history patient reports he was</p> <p>24 struck with a hammer on the back by his son, no</p>	<p style="text-align: right;">Page 120</p> <p>1 A. All the time, yes.</p> <p>2 Q. What was hurting?</p> <p>3 A. Hip and knee. Right hip and</p> <p>4 right knee.</p> <p>5 Q. How about your back?</p> <p>6 A. No.</p> <p>7 Q. No back pain?</p> <p>8 A. No.</p> <p>9 Q. Neck pain?</p> <p>10 A. No.</p> <p>11 Q. Shoulder pain?</p> <p>12 A. No.</p> <p>13 Q. What did you do that day after</p> <p>14 you got home?</p> <p>15 A. Took a bath, laid down.</p> <p>16 Q. At some point did you do anything</p> <p>17 about attempting to find out what was going on</p> <p>18 with Ty'Rique?</p> <p>19 A. When I got up, yes, I did.</p> <p>20 Q. Would that have been the same day</p> <p>21 you got back from the hospital, the 18th?</p> <p>22 A. Yes.</p> <p>23 Q. What did you do?</p> <p>24 A. Started calling.</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

121-124

Page 121

1 Q. Who did you call?

2 A. DCP, Dauphin County Prison.

3 Q. Did you talk to anyone at Dauphin

4 County Prison?

5 A. At that time I couldn't get

6 through.

7 Q. How many times did you try to

8 call Dauphin County Prison the day you were

9 released from Holy Spirit hospital and couldn't

10 get through?

11 A. Three to five.

12 Q. Do you recall which number you

13 would have dialed?

14 A. No, I don't.

15 Q. Other than calling Dauphin County

16 Prison did you do anything else? Did you call

17 the police or any other law enforcement or

18 judicial agencies?

19 A. No. Just my family.

20 Q. Was Carmen with you at that time?

21 A. Yes.

22 Q. Do you know if she called anyone

23 that day?

24 A. I don't know.

Page 122

1 Q. Did you ever call back to Dauphin

2 County Prison?

3 A. During that day three to five

4 times.

5 Q. I know that. You said that. I

6 got that one. After that?

7 A. No.

8 Q. Do you know if Carmen ever called

9 Dauphin County Prison?

10 A. I don't know. I don't know what

11 she did.

12 Q. Did you call anyone at the DA's

13 office at any time after you got home?

14 A. No.

15 Q. Did you call anyone at the

16 Susquehanna Police Department at any time after

17 you got home?

18 A. Yes.

19 Q. Who did you call over there?

20 A. Narcotics unit.

21 Q. And when was that call?

22 A. I can't tell you offhand. I

23 don't remember.

24 Q. Was that after you had received

Page 123

1 word that Ty'Rique was in the hospital?

2 A. Before.

3 Q. Okay. Why were you calling the

4 narcotics unit over there?

5 A. Because of one of Ty'Rique's

6 friends that came to the house.

7 Q. Which friend was that?

8 A. Rishaun Thomas, red Buick.

9 Q. Rishaun Thomas. Was there

10 another one?

11 A. That's it.

12 Q. Just Rishaun?

13 A. Rishaun Thomas.

14 Q. When did Rishaun come over to the

15 house?

16 A. The day of his birthday,

17 June 14th.

18 Q. And did you know Rishaun before

19 that?

20 A. Yes. As a classmate from high

21 school, middle school and high school.

22 Q. And did you call over to

23 Susquehanna Police Department narcotics about

24 Rishaun?

Page 124

1 A. Yes, I did.

2 Q. Why did you call them with

3 respect to Rishaun?

4 A. I called them and let them know

5 he is driving under a suspended or no driving

6 license. And also the call was in regards to a

7 bag of -- \$10 bag of suspected marijuana, which

8 was not marijuana, that was given to my son.

9 Q. By Rishaun?

10 A. Yes.

11 Q. You said suspected bag of

12 marijuana but it was not a bag of marijuana.

13 What did you mean by that?

14 A. Potpourri, incense. It had a

15 fragrance of musk cologne.

16 Q. Do you know if that had been

17 sprayed with any type of synthetic marijuana?

18 A. I couldn't tell you. I don't

19 know. I suspected it.

20 Q. You suspected that it had been?

21 A. Something was not right with it.

22 Q. Have you ever heard of K2? Do

23 you know what that is?

24 A. Recently I have but back then I

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
125-128

Page 125

1 didn't.
2 Q. Okay. But you thought there was
3 something even though it was suspected
4 marijuana, but it was actually potpourri that
5 you thought there was something wrong with that,
6 correct?
7 A. Yes.
8 Q. With that bag?
9 A. Yes.
10 Q. Who did you speak to at the
11 Susquehanna Police Department Narcotics about
12 that?
13 A. An officer in narcotics. I don't
14 know his name offhand.
15 Q. Was it a male officer, though?
16 A. Yes.
17 Q. What did you tell this officer?
18 You said you talked about the suspended license.
19 But what specifically did you tell the officer
20 as best you can remember it about the bag that
21 Rishaun had left?
22 A. I just told you. You want me to
23 repeat what I just told you?
24 Q. You don't have to repeat it. If

Page 126

1 that is all you said that's fine. The testimony
2 is on the record.
3 A. Yes.
4 Q. Did you think that what was in
5 that bag may have been the cause of what was the
6 issues that you had started seeing with Ty'Rique
7 on the 14th?
8 A. No.
9 Q. Why did the bag concern you then?
10 A. I was looking for anything to try
11 to figure out what was wrong with my son, why
12 did he snap, what caused him to snap.
13 Q. I get you. That's why I'm asking
14 these questions.
15 A. I was desperately looking for
16 answers.
17 Q. Did you think one of the answers
18 might have been what was in that bag might have
19 contributed to why he was acting the way he was?
20 A. No. Because it was never used.
21 Q. Were you concerned that Rishaun
22 may have given Ty'Rique something that had been
23 used?
24 A. No.

Page 127

1 Q. Okay.
2 A. Let me rephrase that.
3 Q. Sure.
4 A. Repeat that question again.
5 Q. You said that you were not
6 concerned about the bag that was there because
7 it had not been used. My question to you was
8 were you concerned that Rishaun may have given
9 Ty'Rique something else that he may have used
10 that may have been contributing to what was
11 going on with Ty'Rique?
12 A. Yes. That I didn't know about.
13 Q. And you told this to the officer?
14 A. I might have, yes.
15 Q. You might have or you did?
16 A. I said I did.
17 Q. Did the officer come out to your
18 house or anyone from Susquehanna PD come out to
19 your house to interview you?
20 A. No.
21 Q. Did anyone from the department
22 contact you --
23 A. No.
24 Q. -- about this afterwards?

Page 128

1 A. No. Not afterwards. After I
2 called, no.
3 Q. Okay. Did you speak to officer
4 Wilson?
5 A. What day? When?
6 Q. From the time of Ty'Rique's
7 arrest after you got out of the hospital until
8 you found out about Ty'Rique being in the
9 hospital?
10 A. Me personally? No.
11 Q. Do you know if Carmen did?
12 A. No, I don't.
13 Q. Did you know if any type of
14 hearing had been set up for Ty'Rique?
15 A. About the 20th -- between the
16 20th and the 23rd of June we got notification or
17 subpoena or summons or something in the the mail
18 of a court date on June 27th at the district
19 justice office of Susquehanna Township.
20 Q. All right. Who was that subpoena
21 from; do you recall?
22 A. No, I don't. I didn't look at
23 it.
24 Q. Did you ever call either officer

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

129-132

Page 129

1 Wilson or anyone else at Susquehanna Township
2 between the time you got back from the hospital
3 and the time that you found out that Ty'Rique
4 was in the hospital to tell them that you did
5 not want to press charges against Ty'Rique?
6 A. No.
7 Q. Why not?
8 A. I told them that in the hospital.
9 Q. When Ty'Rique was in the
10 hospital?
11 A. I told Darcy that when I was in
12 the hospital.
13 Q. Okay. Officer Darcy. So that
14 would have been when you were brought to the
15 hospital you said you told that to Darcy you
16 didn't want to press charges, right?
17 A. Yes.
18 Q. Did you ever call to confirm with
19 anybody else after that that you didn't want to
20 press charges?
21 A. I myself personally? No.
22 Q. Do you know if Carmen did?
23 A. No, I don't.
24 Q. Do you know if anyone else from

Page 130

1 the family did?
2 A. No.
3 Q. Did you ever talk to anyone from
4 the Dauphin County District Attorney's Officer?
5 A. No.
6 Q. About whether or not you wanted
7 to press charges before you found out that
8 Ty'Rique was in the hospital?
9 A. No, I didn't.
10 Q. After you got home from the
11 hospital on the 18th, did you ever indicate to
12 anyone in authority, the police, 911, crisis,
13 DA's office, anybody that you thought Ty'Rique
14 needed mental health assistance?
15 A. No.
16 Q. Did you think that Ty'Rique
17 needed mental health assistance after he was
18 arrested?
19 A. No.
20 Q. Did you think that Ty'Rique's
21 issues and problems were likely drug-related?
22 A. No.
23 Q. You didn't know what they were?
24 A. Exactly.

Page 131

1 Q. How did you find out that
2 Ty'Rique was in the hospital?
3 A. June 27th at the justice's
4 office. By officer -- I don't remember his name
5 now.
6 Q. Osmon or Osman or something like
7 that?
8 A. Possibly Osman. Instead of the
9 district justice telling me they called for a
10 officer to come to talk to me. He opened the
11 front door to the lobby and asked me to step
12 out. And I stepped out.
13 And he told me. Carmen came out
14 behind me and he told both of us along with the
15 criminal advocate. I don't remember her name.
16 She stepped out behind Carmen too. And the
17 officer proceeded to say what he had to say,
18 that I needed to go to Harrisburg Hospital ICU.
19 My son was in the ICU unit.
20 There will be no court date.
21 It's over. It's done. He is not going to be
22 here. You need to go see him. The advocate
23 said that it would be extended. And them two
24 got to argue. It is over. She did not believe

Page 132

1 that it was over and stormed into the building
2 and went into the judge's chamber and closed the
3 door. We left. That's all I remember.
4 Q. Was that the victim advocate that
5 you are talking about?
6 A. Yes. Very arrogant, yes.
7 Q. Do you recall the name of the
8 individual?
9 A. I don't remember her name. But I
10 remember in detail from what she told me. That
11 she would come to my house and make me sign
12 those papers to press these charges on my son.
13 And I said, no, I'm not. We got into a verbal
14 argument.
15 Q. This is at the district justice's
16 office?
17 A. Yes, it was outside the door.
18 The police officer, whatever his name was, took
19 it over. He told me I got to go. Go, go, go.
20 He handled her. She was irate.
21 Q. But it was before that she told
22 you that you would have to sign papers to press
23 charges against Ty'Rique; is that right?
24 A. For what?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

133-136

<p style="text-align: right;">Page 133</p> <p>1 Q. I think you said that you got 2 into a argument because she said she would come 3 over to your house or something -- 4 A. It was -- I am sorry. It was 5 during that. 6 Q. That is what I am getting at. So 7 it was during that time she told you that? 8 A. Yes. 9 Q. And this was a woman. Can you 10 describe her? Was she a white woman, black 11 woman? 12 A. White woman, blonde hair, thin, 13 bloodshot eyes. 14 Q. So did you -- I take it you went 15 to the hospital then; is that correct? 16 A. ASAP. 17 Q. What did you find when you got to 18 the hospital? What happened there? 19 A. I went into the courtesy desk and 20 asked them where my son was. She said ICU unit. 21 You can't go up there. You got to talk to the 22 warden Brian Clark. 23 Q. Did you talk to Brian Clark? 24 A. I was handed the phone. They</p>	<p style="text-align: right;">Page 135</p> <p>1 We're going up. They escorted me up. I started 2 to walk with them. I said, What about her? She 3 can't come. 4 Okay. I am still walking with 5 them. Hit the elevator to go up. I go in with 6 Harrisburg Hospital security, walk up to a 7 cubicle with the drape around it where my son 8 is. There two CO guards standing there armed. 9 And I said, I'm Ty'Rique's father. They told me 10 I was not to see him. I said, What you mean? 11 I'm here. I want to see my son. They said to 12 me -- I had a cell phone in my hand at the time. 13 They must have assumed I was going to pull the 14 drapes and take pictures. 15 They said you cannot take 16 pictures. I said, I'm not taking pictures. I 17 put the cell phone on the head nurse's desk 18 which is a cart with a computer on it with 19 medicines or whatever apparatuses. They said 20 you got to put it down on it. The Puerto Rican 21 CO pulled the drawer open and handed me a smock. 22 I put the smock on, biohazard 23 smock, put it on. Took one step forward, pulled 24 the drapes back. I pulled the drapes back. And</p>
<p style="text-align: right;">Page 134</p> <p>1 dialed -- the courtesy dialed the number for me. 2 Several attempts went by and he finally picked 3 up. He said that I couldn't -- I was not 4 allowed to see him. 5 Q. This is Brian Clark who says 6 this? 7 A. Yes. 8 Q. Did he tell you why? 9 A. No. The phone was -- he hung up 10 the phone. I left and went upstairs on my own 11 to the ICU. I couldn't get in because I didn't 12 have a swipe card to swipe the door. I turned 13 around and came back to the lobby. I tried the 14 phone call again. I got him on the phone. 15 During that time the hospital 16 security came up from behind and took the phone 17 from my ear and took the phone call over. 18 Harrisburg Hospital security took the phone call 19 over along with a Harrisburg police officer. I 20 don't know his name. He was there too. 21 They talked to Brian Clark. I 22 walked away to console my wife Carmen. I was 23 standing in front of her. And the guards came 24 up from behind and said, Mr. Matthews, come on.</p>	<p style="text-align: right;">Page 136</p> <p>1 I said, What the hell did you do to him? What 2 the hell went on? What did you do to my son? 3 One step more I grabbed his wrist from the 4 gurney, picked his wrist up. And in my hand was 5 his left hand and his wrist. It was severed at 6 his wrist all the way to the bone. 7 And it was like that because 8 fresh flesh would have been like meat steak at 9 the store. His flesh was black. It's been 10 exposed to the air for a long period of time to 11 turn flesh to black. I dropped his hand in 12 disbelief. 13 I take my hand. And I go to his 14 head. And his head -- I rub my hand across his 15 head. I don't feel the top of his head. I 16 don't feel -- see this here? I don't feel his 17 skull and his hair. I take my hand away. I am 18 looking at his eye, a laceration. His lips, 19 laceration. His front teeth, poked out, poked 20 out. 21 I reach to the bed at the bottom, 22 his feet. Once step that way. I start pulling 23 on his covers. I can't get them loose. Okay. 24 He is wrapped like a mummy. I yanked them as</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
137-140

Page 137

1 hard as I could. And up came dry ice. And I
2 could feel hot air blowing on him from a heater
3 on the other side of the bed that I didn't see.
4 When I looked from his feet up to
5 his testicles was nothing but red, black, purple
6 bruises and lacerations to his penis. I held
7 those covers up to look. And in a matter of
8 seconds a nurse came in and took a karate chop
9 and knocked the covers out of my hand and said,
10 You can't do this. You can't be doing this --
11 like that.
12 At that time I was rushed by
13 doctors, clipboards. They wanted to tell me
14 what was wrong with my son, that I needed to
15 listen to them. Right before they came in
16 Carmen walked past me and went to the other side
17 of the bed into the room. I didn't go all the
18 way in. She went all the way in the room and
19 started screaming, Ty'Rique, Ty'Rique, Ty'Rique.
20 Oh, my God. Oh, my God.
21 Those doctors commenced to
22 talking to me. The Puerto Rican CO was off to
23 the left. A little short white guy, guard, CO,
24 armed, was standing behind me. I turned to talk

Page 138

1 to the doctor, a tall Indian or Asian guy. He
2 was telling me what was going on.
3 And that guard behind me was
4 talking to a nurse. The nurse whispered
5 something into his ear. And I caught vibes.
6 The words, "Yeah, we killed another nigger last
7 night" -- from that guard.
8 Q. Which guard said that?
9 A. I don't know his name. It was a
10 little, short white guy. The other guy was
11 Spanish. He didn't say a word.
12 Q. Was he there when the white guard
13 said, We killed another N word?
14 A. Standing on the left side of him.
15 He looked at him. I looked at him. And he
16 shook his head no, no -- as if not me. See?
17 Not me. The Spanish guard did that. I
18 looked -- I didn't have no choice. I got
19 snatched from the doctors.
20 They said, Mr. Matthews, I need
21 you to pay attention to what I am trying to tell
22 you is wrong with your son. He was still
23 standing behind me. I turned around and said,
24 What the fuck did you say? His response was he

Page 139

1 started screaming, Security, security, security.
2 They were already there. They were already
3 standing there.
4 Q. Who was screaming that?
5 A. The CO that was standing behind
6 me.
7 Q. The little white CO?
8 A. Yes, yes.
9 Q. The one that used the N word?
10 A. Yes.
11 Q. Did he use the N word in front of
12 the nurses and the doctors in there too?
13 A. Oh, yes. Oh, yes. The CO was a
14 whisper. And he hit me from the back of my
15 head. I asked him, What the fuck did you say?
16 So I turned back around to listen to the
17 doctors. I blocked that out. The doctor said
18 that his nasal cavities in his head, the sinus
19 cavity, completely closed with Mace. It was
20 nothing they could do to get that Mace out of
21 his sinus cavity.
22 They never seen it this bad like
23 this. His face was orange by the way. Like
24 iodine. You ever put iodine on your skin like

Page 140

1 that? My son's whole face was like that. He
2 told me they did toxicology. And it came back
3 nothing synthetic, very little trace of THC. A
4 overwhelmingly heavy dose of Depakote.
5 I said to him, Depakote? They
6 gave him a depressant in the prison. He don't
7 take that because the doctor asked me did my son
8 take any prescription drugs. I said to him, No.
9 The only thing he would take would be Benadryl
10 for allergies. He said that ain't Benadryl. He
11 stated what else he had on that clipboard.
12 I turned around to the Spanish CO
13 and the Harrisburg Hospital security. I said,
14 Can you escort me to the door? I'm done. I'm
15 done. I walked past that little white guard and
16 around him and went out of the ICU unit. The
17 Spanish CO followed behind me. Harrisburg
18 Hospital followed behind me.
19 I went out across the hallway. I
20 leaned against the wall. The Spanish CO came
21 near and stood there. He said, Look, man, I
22 don't know what went on in there in the prison.
23 But all I can tell you is that when Ty was in
24 there on his shift, and I don't know what shift

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

141-144

Page 141

1 he had, that he was very polite and very
2 respectful. I watched him every 15 minutes.
3 This was the Spanish guard telling me this.
4 He said, Something went on in
5 that prison after my shift. I don't know what.
6 He took his hands and folded them together and
7 started pointing with a finger up and down to
8 the guard that I just had a problem with inside
9 the ICU that was standing there looking at him.
10 The Spanish guard told me he had something to do
11 with it. I couldn't get his name or the Spanish
12 guard's name. I got disillusioned and asked
13 Harrisburg Hospital to please escort me to the
14 door -- to the nearest door out of this
15 building. That is all I said to that guard.
16 Before I walked away he said,
17 look, man, I got kids too. But I can't imagine
18 what you are feeling right now. I feel really
19 bad. But I don't have nothing to do with what
20 happened there. I walked away from him. I went
21 outside the emergency room and stood in the
22 parking lot to try to get a ride home. Carmen
23 came out a few minutes later. We got a ride
24 home by cab.

Page 142

1 Q. So this little white guard that
2 you described, approximately how tall was he?
3 A. Five-five, five-ten. I'm
4 five-eleven. He was shorter than me.
5 Q. Do you know how much shorter than
6 you he was?
7 A. 2 inches, 3 inches.
8 Q. And can you describe him? Dark
9 hair? Light hair?
10 A. Dark hair.
11 Q. You said when he used the N word
12 did you say he whispered that to somebody?
13 A. He said it. His body was facing
14 my back. A person was whispering in his ear.
15 Q. In his ear? In the white guard's
16 ear?
17 A. The nurse was whispering in his
18 left ear. He is facing me. He gave an answer
19 to that nurse. Yeah, we killed another nigger
20 last night.
21 Q. Did he whisper --
22 A. That was his response to the
23 nurse.
24 Q. Did the guard who used the N

Page 143

1 word, did he whisper that? Or did he say that
2 in a voice above a whisper?
3 A. A soft-toned whisper that bounced
4 off the back of my ears like your breath when
5 you speak to someone too damn close. It hit the
6 back of my ears. And it burned. It caused me
7 to turn around and say, What the fuck did you
8 just say? Excuse my language. But it is what
9 it is.
10 Q. Did he respond when you said
11 that?
12 A. Security, security, security.
13 That's what he responded. So what does that
14 tell you? He said what he said.
15 Q. Okay. Did the nurse hear it?
16 MR. MINCEY: Objection.
17 BY MR. LAVERY
18 Q. Was it loud enough -- it was loud
19 enough for you to hear it, correct?
20 A. It was loud enough for everybody
21 to hear it.
22 Q. Everyone in the room could hear
23 that comment?
24 MR. MINCEY: Objection.

Page 144

1 MR. LAVERY: I am sorry?
2 MR. MINCEY: Objection.
3 BY MR. LAVERY
4 Q. I got that. Mr. Matthews, did he
5 use that language in a voice loud enough that
6 everyone in the room can hear when he used the N
7 word?
8 A. There is no room. That is the
9 ICU unit. Practically everyone on that damn
10 floor could hear what he said. Okay? Let me
11 calm down a second, please.
12 MR. MINCEY: Can we take a break?
13 MR. LAVERY: That's fine. Let's
14 take a break.
15 (Discussion held off the record.)
16 BY MR. LAVERY
17 Q. Did you go home after you were at
18 the hospital, sir?
19 A. Yes, I did.
20 Q. The comment -- I am using your
21 words -- that the little white guard or white
22 CO -- I forget which one you said -- made about,
23 We killed another N word, did you ever report
24 that to anyone at the county?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

145-148

Page 145

1 A. I got a phone call from the
2 county by Brian Clark.
3 Q. When was that?
4 A. He asked me -- when was it?
5 Q. Yes.
6 A. A couple days afterwards. And he
7 asked me, What did that guard say? I told him
8 that. And he said, No, he didn't. I said, Yes
9 he did. I heard what he said. And that was the
10 end of the conversation right there. He has a
11 habit of hanging up on people. You know what I
12 mean?
13 Q. I know what you mean by people
14 hanging up on you. But my question, though, is
15 he called you, correct?
16 A. Yes.
17 Q. And he brought up this CO that
18 was at the hospital?
19 A. Exactly.
20 Q. And you said what then to
21 Mr. Clark, that he had made the comment that you
22 told me before?
23 A. Exactly. Brian Clark asked me
24 what went on at the ICU in Harrisburg Hospital

Page 146

1 with this particular guard. I don't remember
2 his name. He knew his name. But I didn't know
3 his name. But I told him what he said. He
4 said, No, he didn't. I said, Yes he, did. And
5 that was it.
6 Q. Did you ever talk to anyone else
7 at the County about this comment?
8 A. I called to find out where my son
9 was from the beginning. I finally got through.
10 I spoke to regards to where my son was, not
11 about any drug or anything like that -- where my
12 son was. Confirm that he is there. Gloria was
13 one of the names. Dawn or Diane was the other.
14 They kept saying we are going to switch you to
15 Brian Clark.
16 Q. When was that that you would have
17 talked to Gloria and Diane? Was that the same
18 day that you talked to Clark?
19 A. No.
20 Q. When with that?
21 A. The sequence went Dawn or Diane.
22 I believe it was Dawn first. I couldn't get
23 through to anybody. I tried again. This time a
24 woman by the name of Gloria picked up. I don't

Page 147

1 know her job title. She finally hit the right
2 extension and I got Lucas, Lieutenant Lucas on
3 the phone.
4 I asked him where my son was. I
5 was his father. I don't even recall what else
6 he said to me. But I didn't get anywhere with
7 him. And I had to speak with Brian Clark.
8 Q. When was this, though? Was this
9 before you found out that Ty was in the
10 hospital? When did this happen?
11 A. Before I found out Ty was in the
12 hospital in between the 20th and the 24th.
13 Somewhere in there.
14 Q. After you spoke to Clark about
15 the CO's conduct at the hospital did you speak
16 to anybody else at the County about that CO?
17 A. No.
18 Q. Did you ever talk to anybody from
19 the district attorney's office, the Dauphin
20 County CID, about that individual?
21 A. No, I didn't.
22 Q. Were you ever interviewed by
23 Dauphin County CID?
24 A. An attempt to interview me. I

Page 148

1 refused. Detective Walburn.
2 Q. Do you recall approximately when
3 that was detective Walburn attempted to
4 interview you?
5 A. In regards to my son's death.
6 Q. Yes.
7 MR. MINCEY: When?
8 BY MR. LAVERY
9 Q. Approximately.
10 A. July. I will say July 1st. The
11 end of June 29th and the first of July -- in
12 that range.
13 Q. Thank you. Did you ever speak to
14 anyone at the coroner's office?
15 A. Tom. I don't know his last name.
16 At the hospital. The coroner's name was Tom.
17 He approached me and asked me to go to the
18 conference room with him. At the ICU unit -- I
19 was talking to my son spiritually. He
20 interrupted and asked me can we have a meeting.
21 I said yes.
22 Q. Did you have a meeting with him?
23 A. Yes. Me, my sister and Carmen
24 sat in the conference room and had a meeting

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

149-152

Page 149

1 with him and the organ donors, which I declined
2 to consent to. We had a meeting. His statement
3 was he was going to get to the bottom of this no
4 matter what it took. He was going to get me
5 some answers. I am with you all the way.
6 Q. Anything else that was said
7 during that meeting?
8 A. He handed me a card with his
9 phone number. That was it.
10 Q. Did you ever talk to anybody
11 again from that office?
12 A. No. Up until we were supposed to
13 have a meeting with Hetrick and Tom.
14 Q. When was that going to be?
15 A. Like towards the end of July.
16 Q. Did that happen?
17 A. Hold on. Hold on. I would look
18 at August, the end of August.
19 Q. Did that meeting happen?
20 A. Yes. With my law firm I have now
21 and I and my wife, yes.
22 Q. So you met with who from the
23 coroner's office with your wife and your law
24 firm?

Page 150

1 A. Graham Hetrick. Tom the coroner
2 that is supposed to have done the autopsy.
3 Q. What do you recall that took
4 place at that meeting?
5 A. That my son had died of natural
6 causes, that there were no injuries on his body.
7 That was the two most interesting things that I
8 know of.
9 Q. I am sorry?
10 A. That was the two most interesting
11 things that I know of.
12 Q. So you state you were told -- who
13 told you that your son died from natural causes?
14 A. Graham Hetrick.
15 Q. And he said there were no
16 injuries on his body?
17 A. Exactly.
18 Q. Who said that? Was that Hetrick
19 or one of the other people there?
20 A. Hetrick said that.
21 Q. Was the pathologist who did the
22 autopsy there?
23 A. Yes. He never said a word in
24 regards to his findings.

Page 151

1 Q. Did you ask him about his
2 findings?
3 A. I didn't, no.
4 Q. Did anybody from your law firm
5 ask him about his findings?
6 A. I don't remember.
7 Q. Do you know if anyone from your
8 law firm asked Mr. Hetrick any questions about
9 his conclusions?
10 A. Kevin Mincey.
11 Q. What did Mr. Mincey ask
12 Mr. Hetrick as best you can recall?
13 A. How did he get the injuries that
14 I spoke about previously. The same things I
15 spoke about previously Kevin Mincey brought up
16 to Graham Hetrick.
17 Q. And what was -- go ahead.
18 A. I don't remember his response.
19 Q. Did you ever watch any of the
20 video of Ty'Rique either at the Dauphin County
21 Judicial Center or at the Dauphin County Prison?
22 A. I couldn't tell the difference.
23 But I did watch surveillance video of what went
24 on. I couldn't tell if it was booking or the

Page 152

1 mainstream prison.
2 Q. Did you watch the video that was
3 taken the day that Ty'Rique was brought into the
4 jail?
5 A. Yes, I did.
6 Q. Did you watch the video of what
7 happened on the day that Ty'Rique was sent to
8 the hospital?
9 A. Yes.
10 Q. Do you know if CPR was performed
11 on Ty'Rique at the prison?
12 MR. MINCEY: Objection, you can
13 answer.
14 THE WITNESS: No. I didn't see
15 any surveillance footage of that.
16 BY MR. LAVERY
17 Q. Do you know if any chest
18 compressions were done either at the prison or
19 later on Ty'Rique?
20 A. No. I didn't see any camera
21 footage of that.
22 Q. Did you ever see any camera
23 footage of what Ty'Rique was doing in the
24 holding cell at the booking center after he was

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
153-156

Page 153

1 placed in there on the day of his admission?

2 A. Yes, I did see the camera

3 footage.

4 Q. Did you see him slip the

5 handcuffs?

6 MR. MINCEY: Objection.

7 THE WITNESS: No, I didn't.

8 BY MR. LAVERY

9 Q. You didn't see that. Did you see

10 the struggle that took place when Ty'Rique was

11 brought into the booking area originally?

12 A. Yes, I did.

13 Q. Did you see Ty'Rique being placed

14 in the restraining chair after being taken out

15 of his cell?

16 A. Yes, I did.

17 Q. Did you discuss any of that video

18 with any of the individuals at the coroner's

19 office when you had this meeting?

20 A. I didn't.

21 Q. So you don't remember what the

22 response was from either Mr. Hetrick, this

23 person Thomas, or anybody else from the

24 coroner's office when Mr. Mincey asked how

Page 154

1 Ty'Rique got the injuries that were on his body;

2 is that correct?

3 A. Yes. At the time I don't

4 remember because I was losing it over his

5 comments sarcastically. I was losing my

6 tolerance I would say.

7 Q. Did you think that the people

8 from the coroner's officer were being sarcastic

9 to you?

10 A. Oh, yes. Oh definitely, yes.

11 Q. Who from the coroner's office was

12 being sarcastic to you?

13 A. Graham Hetrick. Tom was very

14 polite. The coroner Tom, very polite. Graham

15 Hetrick performed.

16 Q. He what?

17 A. He performed.

18 Q. Performed. Okay.

19 A. His comments were out of pocket,

20 out of line.

21 Q. What comments did he make that

22 were out of line?

23 A. Black father, black son. I see

24 where Ty'Rique gets it from.

Page 155

1 Q. What were you talking about when

2 Mr. Hetrick said, I see where Ty'Rique gets it

3 from?

4 A. I wouldn't know. I think you

5 have to ask him.

6 Q. Okay. I will. Who else -- was

7 Carmen with you at that point?

8 A. Yes. And Kevin Mincey.

9 Q. Was anybody else?

10 A. Riley Ross. And Tom, I don't

11 know his last name.

12 Q. Anything else that you remember

13 being said at that meeting either sarcastically

14 or otherwise either by Hetrick, Tom or anybody

15 else from the coroner's office?

16 A. Not to me directly. They were

17 talking to my representation. I sat and I

18 listened.

19 Q. Were they being sarcastic to your

20 representatives?

21 A. In the beginning in a certain way

22 in the beginning, yes. It's like saying -- can

23 I say this? Hetrick assumed that these two

24 gentlemen were just friends of the family or

Page 156

1 pastors, deacon and pastors. Until Riley and

2 Mincey reached in their pocket, got their wallet

3 out and pulled out a card and stated the name on

4 the card. Then they realized that is my

5 representation. Then the tone changed. He took

6 the matter seriously then. But everything else

7 was a joking matter.

8 Q. At what point was it that the

9 cards were pulled out to show these were legal

10 people or attorneys?

11 A. At the end when Hetrick stated

12 there were no injuries on Ty'Rique's body. And

13 Kevin Mincey rejected that statement and

14 answered with his.

15 Q. So before that had either Mr.

16 Mincey or Mr. Ross advised the individuals at

17 the coroner's office that they were attorneys

18 representing you?

19 A. At that time, yes.

20 Q. No. Before that time?

21 A. No.

22 MR. MINCEY: Objection.

23 BY MR. LAVERY

24 Q. In the beginning did either

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

157-160

Page 157

1 Mr. Mincey or Mr. Ross advise --

2 A. No --

3 MR. MINCEY: Let him ask the

4 question first.

5 BY MR. LAVERY

6 Q. Let me ask and then you can put

7 the objection on.

8 The question is I know you said

9 at the end of the interview -- and that is when

10 things changed -- that either Mr. Mincey or

11 Mr. Ross or both produced cards showing they

12 were attorneys.

13 My question to you is before that

14 from the start of the meeting did either

15 Mr. Mincey or Mr. Ross indicate that they were

16 attorneys representing you at that time?

17 A. What I seen, my perspective, was

18 all of us sitting in a room. Tom came in first

19 and sat next to me and put his hand on my

20 shoulder. And he said, Everything is going to

21 be okay. Sat down next to me, called me dad.

22 Tom the examiner called me dad.

23 The next came in Graham Hetrick.

24 There was no -- I can't remember at that time

Page 158

1 that -- nothing was asked as to who those

2 individuals were at that time. He walked in and

3 walked around the filing cabinets behind Carmen

4 and Riley Ross and scooted along the wall and

5 scooted past Kevin Mincey to come and sit at the

6 other end of the table. I don't recall him

7 being introduced at that point in the beginning.

8 Q. But do you recall in the

9 beginning either of your attorneys advising the

10 representatives of the coroner's office that

11 they were attorneys representing you?

12 A. I don't recall.

13 Q. Was anything else said at that

14 meeting that you recall other than what?

15 A. I gave it to you. That was it.

16 Q. Fair enough. Did you ever meet

17 with a representative of the district attorney's

18 office?

19 A. A attempt was made, yes. I went

20 down there for a meeting. Detective Walburn and

21 my previous representative Tracey Lewis and

22 Carmen Riley went down there for a meeting. But

23 it abruptly changed.

24 Q. Were you there for that?

Page 159

1 A. Yes, I was.

2 Q. When was that in time?

3 A. I don't recall what day it was.

4 But it was before that I hired my new law firm.

5 Q. So would it have been before the

6 time of the meeting at the coroner's office; is

7 that right?

8 A. Yes. This would have been July,

9 beginning of July sometime.

10 Q. What was the purpose of that

11 meeting as you understood it?

12 A. No. I didn't know at the time.

13 I would assume to gather information on my son.

14 Q. Who were you supposed to meet

15 with?

16 A. Detective Walburn.

17 Q. And did you meet with detective

18 Walburn?

19 A. Yes, I did.

20 Q. And who else was present for that

21 meeting?

22 A. Previous representation Tracey

23 Lewis and Carmen Riley.

24 Q. And what was discussed at that

Page 160

1 meeting?

2 A. I can't remember. I lost

3 control.

4 Q. Do you remember anything that was

5 said?

6 A. No.

7 Q. Any other meetings with anyone

8 else affiliated with the county other than ones

9 that you just told me about?

10 A. No.

11 (Exhibit 9 was marked for

12 identification.)

13 BY MR. LAVERY

14 Q. Would you take a look at Exhibit

15 9. Do you have it in front of you?

16 A. In the process.

17 Q. If you can take a look at it

18 first and I have a couple questions on it.

19 A. I got it.

20 Q. Let me know when you are

21 finished.

22 A. Okay. 7/26. Let's see. Okay.

23 Q. This indicates that on the 28th

24 of June at 15:23:20 you contacted Susquehanna

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

161-164

Page 161

1 Police Department and apparently ended up
2 speaking to a corporal Ferrufino. Do you see
3 that?
4 A. Yes.
5 Q. Do you remember that phone call?
6 A. Yes, I do.
7 Q. Was that after you found out
8 about Ty being in the hospital?
9 A. I would say yes.
10 Q. It says in the call notes that
11 according to you you indicated that your son may
12 be staying with the owner of the vehicle. The
13 owner of the vehicle is a Shonnea Hart. And the
14 vehicle is a cherry red Buick Lacrosse bearing
15 PA registration KRV3124 registered to Shonnea
16 Hart with a Lancaster address.
17 Did you advise the police at that
18 point that your son may have been staying with
19 Shonnea?
20 A. How can my son be staying with
21 her when he was booked and in the hospital at
22 that time? This was the 28th. Okay? Also he
23 was never staying with Shaun. Shaun came to my
24 house to visit in a red Buick owned by his

Page 162

1 mother. I don't know that name. But his name
2 is Rishaun Thomas. That is all I know.
3 Q. That is the Rishaun Thomas that
4 we talked about before, correct?
5 A. Yes, it is. My son never lived
6 with him.
7 Q. How about Shonnea Hart, did your
8 son ever live with her to the best of your
9 knowledge?
10 A. They didn't live together.
11 That's his mother.
12 Q. That's Rishaun's mother?
13 A. Yes, it is. That's her car in
14 her name.
15 Q. You said you had talked to them
16 previously about Rishaun driving a vehicle
17 without a license, correct?
18 A. Yes. We are going around in
19 circles, yes.
20 Q. And Shonnea is Rishaun's mother,
21 correct?
22 A. Yes. I don't know her.
23 Q. It says you advised that your son
24 usually takes Valley Road to North Progress to

Page 163

1 go back and forth to his house. This is where
2 he has drugs on him. He advised he uses
3 marijuana but suspects cocaine or heroin. Did
4 you say that to the police?
5 A. No, I didn't.
6 Q. Did you ever tell any of the
7 police officers from Susquehanna Township that
8 you wanted to get the drug dealer that had been
9 dealing your son drugs?
10 A. Yes. And that was the drug
11 dealer.
12 Q. Was that in your view potentially
13 Rishaun?
14 A. Yes. At that time that's what I
15 thought. That's what I had come to realize that
16 could have been possibly true. I was searching
17 for answers.
18 MR. LAVERY: Understood. I think
19 I'm about finished. That's all I have for
20 now.
21 THE WITNESS: Thank you.
22 - - -
23 EXAMINATION
24 - - -

Page 164

1 BY MR. NINOSKY
2 Q. Mr. Matthews, my notes are not
3 clear on this. I just want to get it straight.
4 Did you marry Carmen Riley?
5 A. No. Never did.
6 Q. So you were referred to her as
7 your wife but you are not legally married; is
8 that correct?
9 A. I consider common law like my
10 parents. They've been together 43 years. They
11 never signed a paper.
12 Q. I wanted to make sure I had that
13 straight. There is no marriage certificate out
14 there or anything like that?
15 A. All right.
16 Q. And Ty'Rique is your biological
17 son?
18 A. Yes. By Carmen Riley.
19 MR. NINOSKY: That is all I have
20 for you, sir. Thank you for your time
21 today.
22 THE WITNESS: Hey, you have a
23 wonderful evening.
24 - - -

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
165-168

Page 165

1 EXAMINATION
2 - - -
3 BY MR. POLAHA
4 Q. Mr. Matthews, my name is Matt
5 Polaha. I represent the officers from
6 Susquehanna Township Police Department. I just
7 have a few follow-up questions for you to
8 clarify your previous testimony.
9 A. Okay.
10 Q. You previously testified that you
11 had cough syrup missing from your home. Did you
12 ever notice any sort of other medications or
13 crack cocaine that you used on or about June
14 12th was missing?
15 A. No.
16 Q. On the evening of June -- or the
17 morning of June 18th of 2019 you testified that
18 you were in the backyard of 1931 Franklin from
19 approximately 10:00 p.m. to I guess 3:00 to
20 4:00 a.m. What were you doing in the backyard
21 at that time?
22 A. Carmen mother's has dementia. We
23 as a family, the three of us, cannot sit in the
24 house and carry a conversation. So we sit

Page 166

1 outside to discuss our bills, our bill payments,
2 his way to and from work, Ty'Rique Riley, and me
3 buying parts to fix his car to maintain it to
4 get him to and from work.
5 We normally have our discussions
6 outside since it's summertime sitting away from
7 the house so we do not have a distraction from a
8 person that has a mental illness as dementia.
9 Q. I understand that. Thank you.
10 You mentioned that at the
11 district court on or about June 26th of 2019
12 there was a officer present from the Susquehanna
13 Township Police Department when you went to the
14 courthouse for the hearing for Ty'Rique Riley.
15 A. Yes. I suddenly forgot his name,
16 yeah.
17 Q. It's officer Osman?
18 A. There you go. Starts with O.
19 Q. It was not exactly clear to me.
20 And I'm not sure it's exactly clear on the
21 record. So I want to ask you the question
22 again. What was -- please describe what officer
23 Osman's involvement that day at the courthouse
24 was.

Page 167

1 A. About 3:00, 3:30 he showed up in
2 the car, parked his car in front of the
3 courthouse, walked over and opened the door and
4 asked would I step out -- Tom Matthews. He
5 seemed to know who I was. I was sitting by the
6 door. He called me outside. Carmen followed
7 behind me.
8 And he stated once again that I
9 needed to go to the ICU unit. There is not
10 going to be a case today. We're done. There is
11 not going to be a case at all. We are done.
12 You need to get to the ICU unit. Your son is in
13 the hospital.
14 Q. And that's all he said to you?
15 A. To me, yes.
16 Q. Anything else about your
17 interaction that day with officer Osman?
18 A. No. That was it.
19 Q. Prior to June 26th of 2019 did
20 you ever try to physically go to Dauphin County
21 Prison and visit Ty'Rique Riley?
22 A. No.
23 Q. And jumping back to the last
24 exhibit Mr. Lavery showed you, TMK-9. Do you

Page 168

1 still have that in front of you?
2 A. Yes.
3 Q. I will ask you a few questions
4 about TMK-9. So is this a conversation that is
5 recorded on TMK-9? Is that separate from the
6 previous conversation you had with this
7 Susquehanna Township narcotics officer about the
8 suspected bag of potpourri that you found at
9 your home?
10 A. That was part of that
11 conversation.
12 Q. So it was the same -- sorry.
13 A. That was part of the
14 conversation.
15 Q. So it was not a separate phone
16 call?
17 A. No.
18 Q. Just some clarification: On
19 paragraph 4 it says you received a phone call
20 from officer Dupler. Do you recall receiving a
21 phone call from officer Dupler from Susquehanna
22 Township at any point?
23 A. Dupler?
24 Q. Do you know or you don't

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

169-172

<p style="text-align: right;">Page 169</p> <p>1 remember?</p> <p>2 A. I don't know. I don't remember.</p> <p>3 I can't recall that name.</p> <p>4 Q. Okay. Thank you. Going back to</p> <p>5 June 18th of 2019 when you were laying on the</p> <p>6 floor I believe at 2003 Franklin you saw the</p> <p>7 Susquehanna police officers come into the</p> <p>8 residence; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And they took Ty'Rique out,</p> <p>11 Ty'Rique Riley out of the residence to the</p> <p>12 police car. Do you recall that?</p> <p>13 A. Took him out of the residence. I</p> <p>14 don't know where they went.</p> <p>15 Q. In that moment that you saw the</p> <p>16 officer with Ty'Rique Riley, did any of the</p> <p>17 officers kick or hit or strike Ty'Rique Riley in</p> <p>18 any way?</p> <p>19 A. Me myself did not see. I heard.</p> <p>20 I was laying on the floor in the bedroom. I can</p> <p>21 only hear.</p> <p>22 Q. What did you hear?</p> <p>23 A. Them asking Ty'Rique to step out</p> <p>24 of the building, which he did. And then I</p>	<p style="text-align: right;">Page 171</p> <p>1 meeting you had with Graham Hetrick and a</p> <p>2 individual by the name of Tom and your lawyers</p> <p>3 Mr. Mincey and Mr. Ross were there. Okay?</p> <p>4 A. Okay.</p> <p>5 Q. You made some statement when</p> <p>6 Mr. Hetrick told you that your son died of</p> <p>7 natural causes and he had no injuries that</p> <p>8 Mr. Muncey then spoke to Mr. Hetrick and</p> <p>9 responded for you. Do you remember that?</p> <p>10 A. Kevin Mincey.</p> <p>11 MR. MINCEY: It's Mincey, Don.</p> <p>12 BY MR. CARMELITE</p> <p>13 Q. Am I saying Muncey? I'm sorry.</p> <p>14 I apologize.</p> <p>15 But do you remember testifying</p> <p>16 that Mr. Mincey then responded to Mr. Hetrick?</p> <p>17 A. Yes.</p> <p>18 Q. What did Mr. Mincey say?</p> <p>19 A. How did he get a punctured lung,</p> <p>20 broken ribs, broken teeth, lacerations to the</p> <p>21 eye, lacerations to the lips? That's what I</p> <p>22 know.</p> <p>23 Q. What did Mr. Hetrick say?</p> <p>24 A. I don't remember his response to</p>
<p style="text-align: right;">Page 170</p> <p>1 heard -- I know these officers. I heard officer</p> <p>2 Demetrus says, Let me look into your eyes. And</p> <p>3 I then I heard the click of a flashlight. Then</p> <p>4 I heard the clicking of handcuffs. After the</p> <p>5 handcuffs -- the grass is high. I heard a march</p> <p>6 sound away from the apartment building through</p> <p>7 the tall grass to a driveway adjacent to the</p> <p>8 apartment building. And it's quiet after that.</p> <p>9 That is what I heard.</p> <p>10 MR. POLAHA: Thank you. That is</p> <p>11 all the questions that I have.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 - - -</p> <p>14 EXAMINATION</p> <p>15 - - -</p> <p>16 BY MR. CARMELITE</p> <p>17 Q. Sir, my name is Don Carmelite. I</p> <p>18 represent correctional officers Danner and</p> <p>19 Swanson in the suit you and your wife have</p> <p>20 filed. Now, I will do some cleanup. Bear with</p> <p>21 me. I will jump around a little bit. Do you</p> <p>22 need a break?</p> <p>23 A. No. I'm good.</p> <p>24 Q. So I want to go back to this</p>	<p style="text-align: right;">Page 172</p> <p>1 that. I was losing it.</p> <p>2 Q. Do you know up until that point</p> <p>3 had Mr. Mincey seen your son before?</p> <p>4 A. He had never seen my son. Mincey</p> <p>5 has never seen my son.</p> <p>6 Q. Do you know where Mr. Mincey got</p> <p>7 the information about the injuries that you</p> <p>8 described to the lips, the lacerations to the</p> <p>9 lips, the lungs and his head? Where did</p> <p>10 Mr. Mincey get that information from?</p> <p>11 A. Wherever they get their</p> <p>12 information from. I don't know. I have no</p> <p>13 knowledge of that.</p> <p>14 Q. You also testified that detective</p> <p>15 Walburn from the CID Dauphin County Criminal</p> <p>16 Investigation Division attempted to interview</p> <p>17 you but you refused. Do you remember that?</p> <p>18 A. Attempted to interview. I</p> <p>19 abruptly ended it.</p> <p>20 Q. Why did you abruptly end it?</p> <p>21 A. Because he was sarcastic and</p> <p>22 arrogant.</p> <p>23 Q. How was he sarcastic and</p> <p>24 arrogant?</p>

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

173-176

Page 173

1 A. He looked to try to incriminate
2 me and my wife in some kind of way by his
3 approach towards me in the conference room of
4 the administration building. Once he did that I
5 said, meeting adjourned. "You are disrespecting
6 me," is what I said.
7 Q. If you can help me understand how
8 was it that he was being disrespectful towards
9 you in trying to frame -- I think was the word
10 you used -- you and Carmen? Was it his physical
11 actions? Was it words?
12 A. Verbally.
13 Q. What did he say?
14 A. His words.
15 Q. What words did he use that you
16 found to be disrespectful?
17 A. I don't recall the words. But
18 his approach verbally was as if my son was a
19 criminal and his parents committed some kind of
20 crime.
21 Q. Do you remember -- you don't
22 remember the words he used to give you that
23 impression?
24 A. No, I don't. No, no.

Page 174

1 Q. But is it fair to say your
2 general recollection was that it left you with
3 the impression that you just described?
4 A. Exactly.
5 Q. But you don't remember the words
6 he used?
7 A. No. It was way out of line. He
8 was out of line. I was out of line. I gave him
9 the respect that he was giving me. What he gave
10 me I gave back to him and said we are done. We
11 are done. We are done.
12 Q. Did he raise his voice?
13 A. Didn't get a chance to. He had a
14 stack of files like as if they were criminal
15 records. You know? He is going to court, slams
16 them on the table like that. And puts his elbow
17 on them and starts grilling my wife with
18 disrespect. I don't remember because of the
19 anger that I started to receive or deal with.
20 Q. Let's go back to the incident in
21 the ICU with your son and the nurse and the
22 statement that the little white CO made. Okay?
23 A. Okay.
24 Q. So can you just give me a

Page 175

1 approximation -- withdraw it. We will move on
2 from that.
3 A. Thank you.
4 Q. You testified when Mr. Lavery was
5 asking you some questions about a bag that you
6 believe was marijuana. And I guess later
7 determined that it was potpourri. Is that what
8 you said?
9 A. Yes, I did.
10 Q. And how is it that you determined
11 it was potpourri?
12 A. Because of the look of it it
13 looked look lawn grass. Marijuana comes from
14 seeds, I believe, buds. This looked like I took
15 a pair of scissors and cut grass off the lawn
16 and picked up lawn clippings and put it in a
17 little tiny pouch the size enough to put two
18 earrings in like the lobe of my ear. That is
19 how big the pouch was. I smelled it. It
20 smelled like musk, Avon or something, a smelly
21 fragrance. I know the difference between
22 marijuana and that.
23 Q. Mr. Lavery asked you some
24 questions about whether it was sprayed with

Page 176

1 anything. And my understanding is you were not
2 sure whether it was or was not; is that correct?
3 A. I wouldn't know that.
4 Q. And you also testified --
5 Mr. Lavery asked you a question in relation to
6 that substance you found. And you responded
7 that, no, that it had never been used. Do you
8 remember that?
9 A. That was never opened, never been
10 used. A \$10 bag is not much in there. Looked
11 like it was never used to me. It still had the
12 ziplock seal on it. My son handed it to me and
13 said, dad, look at this. He is 21 years old.
14 He can make his own judgments. He judged to
15 bring it to me. Said this ain't right.
16 Something ain't right. I didn't know what it
17 was. I know it was not marijuana.
18 Q. Let's go back to the night with
19 the sledgehammer. Mr. Lavery asked you some
20 questions about whether you were concerned that
21 Ty'Rique was going to hit you with the
22 sledgehammer. And you said, no, you were not
23 concerned about that. You were concerned that
24 he was going to go outside with this

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

177-180

Page 177

1 sledgehammer. Do you remember that?

2 A. Yes.

3 Q. Why were you concerned that he

4 was going to go outside with the sledgehammer?

5 A. Because he wanted to get to the

6 door with it. I was pulling him away from the

7 door. That is why we were still in the middle

8 of the kitchen and the hallway. I turned him

9 away from the door. His back was facing the

10 living room. I was standing in the kitchen and

11 the separation from the hallway.

12 Q. Other than just generally not

13 wanting him to go outside with the sledgehammer,

14 was there a specific reason why you didn't want

15 him to go outside?

16 A. It was not necessary. The

17 situation was not necessary.

18 Q. In June of 2019 was it -- let's

19 go back to the morning before the sledgehammer

20 or I guess the same day as the sledgehammer.

21 Was it normal for you to be outside at 3:00 or

22 4:00 in the morning?

23 A. Oh, yes. Every day in the

24 summertime. We don't have air-conditioning.

Page 178

1 It's what we do.

2 Q. And in June of 2019 did Ty'Rique

3 have any sort of regular schedule? Did he go to

4 bed at a certain time? Wake up at a certain

5 time? Go to work at a certain time?

6 A. The man was 21 years old. No, he

7 does not.

8 Q. Did you have a regular schedule

9 at that time?

10 A. No, I didn't. I hardly sleep.

11 Q. I know Mr. Lavery asked questions

12 about the fact you are on disability. What is

13 the disability that you've been granted?

14 A. Diabetes is one. Heart problems,

15 two. Cardiopulmonary/cardiovascular, four heart

16 attacks.

17 Q. As I began my questioning, sir, I

18 indicated I represent a individual by the name

19 of Matthew Danner. Do you know Mr. Danner at

20 all?

21 A. No, I don't.

22 Q. Have you ever spoken to

23 Mr. Danner?

24 A. No. I never did.

Page 179

1 Q. Do you have any knowledge as to

2 what Mr. Danner did or didn't do to your son?

3 A. At what time?

4 Q. Any time.

5 A. Up until this deposition -- put

6 it that way. I didn't know him at all up until

7 his last -- or just -- his deposition. Same as

8 Angela Swanson.

9 Q. So up until you heard his

10 testimony you had no factual knowledge about

11 Mr. Danner; is that fair?

12 A. Exactly.

13 Q. And what information you have

14 about Mr. Danner you learned exclusively from

15 his deposition?

16 A. Exactly.

17 Q. Is the same true for Angela

18 Swanson?

19 A. Exactly.

20 MR. CARMELITE: I don't have any

21 further questions.

22 - - -

23 EXAMINATION

24 - - -

Page 180

1 BY MR. MINCEY

2 Q. Going back to TMK-9. Do you have

3 that in front of you? I'm looking at CID 1036,

4 page 1 of 2. This is regarding the call that

5 you made on June 28, 2019 where you spoke with

6 corporal Ferrufino. Do you remember that?

7 A. Yes.

8 Q. We talked about that with

9 Mr. Lavery?

10 A. Yes, I do.

11 Q. Who did you know or who did you

12 believe was staying in Lower Paxton Township on

13 June 28, 2019?

14 A. Rishaun Thomas.

15 Q. Is that who you told corporal

16 Ferrufino was staying in Lower Paxton Township

17 in June 28, 2019?

18 A. Yes, I did.

19 Q. When we look at this report and

20 it says that you advised him, corporal

21 Ferrufino, that Ty'Rique was staying in Lower

22 Paxton Township, is that accurate?

23 A. No, it's not.

24 Q. Because you knew Ty'Rique to be

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

181-184

Page 181

1 in the hospital at that point; is that right?

2 A. Yes.

3 Q. And when you were telling

4 corporal Ferrufino about the individual who

5 takes Valley Road to North Progress Road, who

6 were you talking about?

7 A. Rishaun Thomas.

8 Q. When you were telling corporal

9 Ferrufino about the individual who you suspected

10 to use marijuana, cocaine and heroin, who were

11 you talking about?

12 A. Rishaun Thomas, marijuana. I

13 don't know anything about anything else.

14 Q. Thank you.

15 A. Yes.

16 Q. Earlier when we were talking --

17 and I don't need you to look at it -- we were

18 talking about Exhibit 1 which was the emojis.

19 A. Yes.

20 Q. You said that you saw Ty'Rique

21 typing on the phone?

22 A. Yes.

23 Q. Whose phone was he using?

24 A. Mine.

Page 182

1 Q. Did Ty'Rique have his own phone?

2 A. No.

3 Q. Other than your phone did you

4 know Ty'Rique to have access to the internet any

5 other way?

6 A. No. Just my phone.

7 Q. When you saw him typing emojis,

8 was that text messages or was it something else?

9 A. I don't understand that. But I

10 would say text message only. No phone calls.

11 Q. Did you know Ty'Rique to have

12 access to social media?

13 A. I don't even know if my phone --

14 he probably did, yes. He does whatever he does

15 on the phone -- this young generation.

16 Q. Did he have his own social media

17 page?

18 A. I wouldn't know.

19 Q. Taking you to June 18, 2019. Do

20 you recall when we were talking about the call

21 summary, the 911 call summary, when they were

22 talking about Carmen's call with 911?

23 A. Yes.

24 Q. And do you recall the section

Page 183

1 where it said Carmen said Ty'Rique had just

2 snapped like a few days ago?

3 A. Yes.

4 Q. Had you noticed any behavior of

5 Ty'Rique that would lead you to believe

6 something similar?

7 A. Erratic, compulsive, pacing.

8 Q. When you say erratic, what did

9 you see that makes you say that Ty'Rique was

10 behaving in a erratic way?

11 A. Couldn't sit still.

12 Q. Was there anything else?

13 A. A hollow look.

14 Q. A hollow look?

15 A. Like he is not there.

16 Q. I was going to say can you -- I

17 want to make sure I understand what you are

18 saying when you say that. So when you say a

19 hollow look you are talking about looking at his

20 face?

21 A. Like I am looking at you, yeah.

22 Q. And what was -- can you describe

23 what his face looked like that made you say it

24 was a hollow look?

Page 184

1 A. What I said didn't matter to him.

2 No matter what I say don't matter.

3 Q. Was he responding to anything

4 that you were saying to him?

5 A. No.

6 Q. Do you remember what you were

7 saying to him when he was not responding to you?

8 A. Put it down, put the hammer down.

9 Q. So when you said he had a hollow

10 look, this is when you were struggling over the

11 hammer?

12 A. Yes.

13 Q. At any time before the incident

14 with the hammer had you seen Ty'Rique with that

15 hollow look that you described?

16 A. Yes.

17 Q. When?

18 A. The past four days previous.

19 Q. Was that something that was on

20 and off? Was it that something that was

21 consistent for four days?

22 A. On and off.

23 Q. When you noticed that did you try

24 talk to Ty'Rique about it?

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

185-188

Page 185

1 A. Yes.

2 Q. Was he responsive to you?

3 A. No.

4 Q. Did you talk to Carmen about it?

5 A. Yes.

6 Q. What did you and Carmen talk

7 about in relation to the look you were receiving

8 from Ty'Rique?

9 A. Hope he lays down, gets some

10 rest. Maybe this will pass. Is he sick? We

11 were lost for words.

12 Q. Was it something that you had

13 seen from Ty'Rique before?

14 A. No.

15 Q. Did you describe any of this

16 behavior or look to the police when they came to

17 the house on June 18, 2019?

18 A. No. I never really got a chance

19 to.

20 Q. Did any of the officers when they

21 came into the house ask you about what happened

22 between you and Ty'Rique?

23 A. No.

24 Q. You mentioned that you had

Page 186

1 relayed to the police that Ty'Rique seemed

2 paranoid and afraid. Do you remember that?

3 A. In the hospital, yes.

4 Q. Do you recall when was the first

5 time was that you recognized that Ty'Rique was

6 acting paranoid?

7 A. 2015.

8 Q. 2015?

9 A. That four days previous.

10 Q. Four days previous to what?

11 A. The 18th.

12 Q. June 18th?

13 A. Yes.

14 Q. Are you talking about 2019?

15 A. 2019, yes.

16 Q. You just told me 2015.

17 A. I am sorry. Sorry.

18 Q. So when we are talking about four

19 days prior you are talking about four days prior

20 to June 18, 2019?

21 A. Yes.

22 Q. You need to keep your voice up.

23 A. Okay.

24 Q. What was it that you saw Ty'Rique

Page 187

1 doing that made you feel he was acting paranoid?

2 A. Compulsive pacing, sweating,

3 complaining of headaches, and sitting on the

4 porch and in the kitchen of the apartment

5 constantly working my phone with his thumbs,

6 texting and looking into the phone as if he is

7 hypnotized.

8 Q. What type of effect will you say

9 that the death of Ty'Rique has had on your

10 relationship with Carmen?

11 A. Depressed, traumatized from what

12 I seen.

13 Q. When you are saying that are you

14 talking about yourself or Carmen?

15 A. The two of us. You asked me

16 about myself of talking about myself.

17 Q. Would you describe your

18 relationship as being one that has brought the

19 two of you closer since this happened or are the

20 two of you more distant?

21 A. Distant.

22 Q. What about your relationship now

23 makes you say the two of you are more distant

24 towards each other?

Page 188

1 A. We do not cuddle. We do not have

2 sex. All we do is sit and ask ourselves why did

3 this happen, how did this happen, what caused

4 this to happen, what are we going to do day in

5 and day out?

6 Q. Before Ty'Rique passed away how

7 would you have characterized yours and Carmen's

8 relationship?

9 A. Pretty much mutual. We did sit

10 next to each other and maybe hold hands or

11 something like that. You know?

12 Q. What does mutual mean when you

13 say pretty much mutual?

14 A. I give when she gives back. What

15 she gives me I give her back.

16 Q. How would you describe the

17 intimacy in your relationship before Ty'Rique

18 passed away?

19 A. How would I describe that?

20 Q. How would you describe the

21 frequency of the intimacy in your relationship

22 before Ty'Rique passed away?

23 A. Pretty much strong.

24 Q. Did the two of you have an active

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023

189-192

Page 189

1 sex life before Ty'Rique passed away?

2 A. Somewhat.

3 Q. What does somewhat mean?

4 A. How many times?

5 Q. I'm asking you what "somewhat"

6 yes means.

7 A. You are referring to how many

8 times we had sex? Made love?

9 Q. How often would the two of you --

10 A. We had --

11 Q. Let me ask you the question.

12 Before Ty'Rique passed away, in a week how often

13 would the two of you have sex?

14 A. Once or twice.

15 Q. Since Ty'Rique passed what is the

16 frequency in which you and Carmen have had sex?

17 A. We have not.

18 Q. At all?

19 A. At all.

20 Q. Have you sought any therapy to

21 help you deal with the aftermath of Ty'Rique

22 passing away?

23 A. Yes.

24 Q. Are you currently seeing anybody?

Page 190

1 A. Yes.

2 Q. Who?

3 A. Hershey Medical Center. Jeanne

4 Fisk.

5 Q. How often do you see Jeanne Fisk?

6 A. Once a week.

7 Q. For how long have you been seeing

8 Jeanne Fisk?

9 A. Three years.

10 Q. Did you have the need to see --

11 is this individual therapy or couples therapy?

12 A. Couples.

13 Q. In your opinion did you have a

14 need to see couples therapy prior to Ty'Rique

15 passing?

16 A. No.

17 Q. A few minutes ago you told

18 Mr. Carmelite that you do not sleep.

19 A. No, I don't.

20 Q. Is that something that was

21 happening before Ty'Rique passed away?

22 A. Yes.

23 Q. Before Ty'Rique passed away how

24 many hours a night would you sleep?

Page 191

1 A. About the same as it is now.

2 Q. How many hours do you sleep a

3 night now?

4 A. One hour and 45 minutes.

5 Q. When you do fall asleep is there

6 anything that keeps you from staying asleep?

7 A. Yes.

8 Q. What is that?

9 A. Nightmares.

10 Q. When you say you have nightmares,

11 what are you having nightmares about?

12 A. My son being beaten. People

13 coming to do harm to me, me being killed in my

14 sleep while I'm sleeping.

15 Q. Did you have those types of

16 nightmares before Ty'Rique passed away?

17 A. Not as bad.

18 Q. Did you have nightmares about

19 Ty'Rique being beaten before he was arrested on

20 June 18, 2019?

21 A. No.

22 Q. How often do you have these

23 nightmares?

24 A. I would say once or twice a week.

Page 192

1 Q. When was the last time you had

2 one of these nightmares?

3 A. This morning at 5:00 a.m.

4 Q. On the night of -- I guess the

5 early morning -- it's the night of June 17th and

6 the early morning of June 18th, it was you,

7 Ty'Rique and Carmen in the backyard together?

8 A. Yes.

9 Q. Was Ty'Rique talking then?

10 A. Yes.

11 Q. Were you able to understand what

12 he was saying?

13 A. Yes.

14 Q. When did it get to a point where

15 Ty'Rique was saying things that were I think it

16 was described in one of the reports as mumbling

17 nonsensically. When did that happen?

18 A. In the evening when he would get

19 my phone and start doing his little thumb thing

20 with the emojis and texting.

21 Q. Is that the only time that it

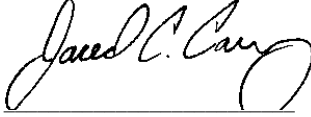
22 happened?

23 A. Yes.

24 Q. During the struggle between you

THOMAS MATTHEWS
CARMEN RILEY vs BRIAN CLARK

April 25, 2023
193-195

<p style="text-align: right;">Page 193</p> <p>1 and Ty'Rique over the sledgehammer, was Ty'Rique 2 saying anything to you then? 3 A. Words, no. Grunt/groans, yes. 4 Q. Ty'Rique was making grunts and 5 groans? 6 A. Yes. Struggling with me, yes. 7 Q. Had you ever heard Ty'Rique make 8 sounds like that before? 9 A. No. Up until that point, no. 10 Q. Did any portion of the 11 sledgehammer, whether it's the steel head or the 12 handle, did any portion of that hit your body 13 during the struggle with Ty'Rique? 14 A. Only the wood handle. 15 Q. What part of your body did the 16 hand touch or hit? 17 A. My upper part of my stomach and 18 the middle part of my chest. 19 Q. When the handle hit your body was 20 that as a result of Ty'Rique swinging the handle 21 at you? 22 A. Pushing and pulling. 23 Q. That is when the two of you both 24 had your hands on the handle?</p>	<p style="text-align: right;">Page 195</p> <p>1 2 C E R T I F I C A T I O N 3 4 5 I, JARED CAREY, Court Reporter, 6 certify that the foregoing is a true and 7 accurate transcript of the foregoing deposition, 8 that the witness was first sworn by me at the 9 time, place and on the date herein before set 10 forth. 11 I further certify that I am neither 12 attorney nor counsel for, not related to nor 13 employed by any of the parties to the action in 14 which this deposition was taken; further, that I 15 am not a relative or employee of any attorney or 16 counsel employed in this case, nor am I 17 financially interested in this action. 18 19  20 21 22 Jared Carey 23 Court Reporter 24 and Notary Public Date: May 7, 2023</p>
<p style="text-align: right;">Page 194</p> <p>1 A. Yes. 2 Q. I think you said Ty'Rique never 3 swung the sledgehammer at you; is that right? 4 A. Right. No room. No room to 5 swing. It's a small apartment. Up or down or 6 across there is no room. 7 MR. MINCEY: I don't have any 8 other questions for you. 9 (Witness excused.) 10 (Deposition concluded at 3:51 11 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	